

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 31575 of 2023

Arising Out of PS. Case No.-577 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Deepak Kumar @ Divya Prakash Singh Son of Kaushal Kumar Singh
Resident of Village-Chak Singar Barari, PS-Jurabanpur Distt-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Singh, Advocate

For the Opposite Party/s : Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 20-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Lakhisarai P.S. Case No. 577 of 2020 registered for the offence
under Section 363/365 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and
is in custody since 25.08.2022.

The allegation against this petitioner is to kidnap the
minor son of informant aged about 15 years, while on the way
to his coaching class.

Learned counsel appearing on behalf of the petitioner
submitted that petitioner was implicated falsely in this case as



victim boy was recovered on the basis of confessional statement of a co-accused, namely, Badal Kumar who has already been granted bail by one of the learned Co-ordinate Bench of this Court vide order dated 20.05.2022 as passed in Cr. Revision No. 550 of 2021. It is submitted that the victim boy after recovery failed to name this petitioner in his statement as recorded under Section 160/164 of the Cr.P.C. It is further submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused namely, Ashutosh Kumar who has also been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 69786 of 2021 vide order dated 24.05.2022. It is also submitted that nothing surfaced during the course of investigation, which may incriminate petitioner, *prima facie*, with present occurrence. While concluding the argument it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail submitted that petitioner is not named in F.I.R.

Considering the facts and circumstances as mentioned above, and by taking note of the fact as save and except



suspicion arises out of confessional statement of co-accused Ashutosh Kumar, nothing incriminating surfaced against this petitioner during the course of investigation, which may connect him, *prima facie*, with present occurrence of kidnapping, coupled with the fact that charge-sheet has been submitted, where petitioner is in custody since 25.08.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with Lakhisarai P.S. Case No. 577 of 2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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