

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32310 of 2023

Arising Out of PS. Case No.-207 Year-2020 Thana- SALIMPUR District- Patna

SAKET KUMAR @ CHHOTU Son of Lalan Kumar Resident of village -
Saidpur, P.S.- Gopalpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Anand, Advocate

For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-06-2023 Heard the parties.

The petitioner is in custody since 16.8.2021 in connection with Salimpur P.S. Case No. 207 of 2020 for the offence punishable under Section 395 of the I.P.C. lodged on 31.7.2020 by the informant Santosh Chauhan.

The prosecution story, in brief, is that the informant has alleged that he went to Patua to drop a doctor in AIIMS by his Scorpio and while a Scorpio which was following him overtook it near 'Gandhi' hotel and kidnapped by four persons on the said Scorpio. The accused persons assaulted him and snatched his mobile. However, after sometime, he was asked to leave the vehicle, the mobile was returned threatening him not to inform the Police. The informant somehow reached the petrol pump and from where the police was informed. The informant



described the age of the accused persons between 25 to 35.

Learned counsel for the petitioner submits that his name has come on the confession of Ram Krishna Kumar, Gulshan Kumar and Nitish Kumar. Further, though he is in custody since 16.8.2021 (as stated in para-19 of the bail application), no TIP has been done nor anything recovered from him. His last submission is that the aforesaid three accuseds on whose confession, his name came have since been released on bail which find place in para-20 of the bail application.

Learned APP opposes the prayer but concedes that other co-accused have been released on bail.

Considering the aforesaid facts as also that despite he being in custody for the last two years, no TIP has been done nor anything recovered from his conscious possession and other co-accused, have been enlarged on bail by the coordinate benches of this Court, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate,-1st Class, Barh, in connection with Salimpur P.S. Case No. 207 of 2020 subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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