

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34487 of 2023

Arising Out of PS. Case No.-62 Year-2023 Thana- SILAO District- Nalanda

RAUSHAN KUMAR Son of Sri Upendra Yadav Resident of village -
Kamdarganj, P.S. - Silao, Distt. - Nalanda (Biharsarif)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Mani Sharma, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 07-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since
06.03.2023 in connection with Silao P.S. Case No. 62 of 2023,
F.I.R. dated 22.02.2023 for the offences punishable under
Sections 364(A) and 34 of the Indian Penal Code.

3. According to prosecution case, in brief, is that one
Surya Mani Devi gave a written statement alleging therein that
on 21.02.2023 the son of the informant namely, Ajit Kumar aged
about 25 years going to Videography to Jehanabad and he is
returned back from the Jehanabad at Kamdarganj six persons
loaded with two motorcycle kidnapped her son namely, Ajit
Kumar and after kidnapping the kidnapper call the mobile of the
informant he said that your son namely, Ajit Kumar kidnapped



by me and bring of Rs.25,00,000/- if you are not paid said amount then I ma kill your son. It is further alleged that the informant immediately Rs.2500/- paid his mobile phone.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has come during investigation on the basis of statement of the victim which was recorded under Section 164 of Cr.P.C. and till date no TIP has been conducted by the prosecution and only statement of 164 of Cr.P.C. before the learned Magistrate the victim hear the name of the petitioner from the mouth of the another persons, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 06.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries six criminal antecedents other than the present one but fairly submits that the petitioner is on bail in all the cases as stated in para-3 of the bail



petition.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Smt. Archana Kumari, learned Judicial Magistrate, 1st Class, Biharsharif, Nalanda in connection with Silao P.S. Case No. 62 of 2023, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the



court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

mdrashid/-

U		T	
---	--	---	--

