

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34448 of 2022

Arising Out of PS. Case No.-581 Year-2021 Thana- GAYA MUFASIL District- Gaya

Vikash Kumar Son Of Munna Singh @ Manoj Singh Resident of Village-
Jamuawan, Police Station- Wazirganj, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance:

For the Petitioner	:	Mr. Abhimanyu Sharma, Advocate
For the Opposite Party	:	Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Petitioner seeks bail in a case registered for the offences
punishable under Sections 364A/34 of the Indian Penal Code.

According to prosecution case, the son of the informant is
said to has been kidnapped. The informant later received a
mobile call from the kidnappers confirming that they have his
son and to make arrangement of money. They also threatened
him not to inform the police.

Learned counsel for the petitioner submits that petitioner
has clean antecedent and he has falsely been implicated in the
present case. It is further submitted that the petitioner is not
named in the F.I.R., it has been transpired during the
investigation on the basis of the confessional statement of the
co-accused, namely, Roushan Kumar. He further submits that

the statement of the victim recorded under Section 164 of the Cr.P.C. in which he has stated nothing about the petitioner. He further submits that during investigation no incriminating material has been found against the petitioner except the confessional statement of the co-accused person and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 08.03.2022.

The learned A.P.P. has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one more criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Gaya Mufassil P.S. Case No. 581 of 2021, 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 tempers 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)

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