

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35268 of 2023

Arising Out of PS. Case No.-162 Year-2022 Thana- BHAGWANPUR District- Vaishali

MUKESH KUMAR son of Jaimangal Chaudhari @ Jaimangal Choudhary
Village- Sultanpur Jedhui Ps- Industrial Area, Dist- vaishali at Hajipur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachin Kumar, Advocate

For the Opposite Party/s : Mr.Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 31-08-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is in judicial custody in connection with Bhagwanpur P.S. Case No. 162 of 2022 registered under Sections 467 and 414 of the Indian Penal Code and Section 25 (1-b) a, 26 and 35 of the Arms Act lodged on 05.07.2022 by the informant, Ramkrishna Parmahans.

As per the prosecution story, the police along with raiding team intercepted a Wagon-R and a motorcycle and from the car, they found a person lying on the floor of the vehicle with hands and mouth gagged. He gave his name Ranjit Kumar, owner of the Pesticide Shop in the Hajipur Town and informed that he was picked up and after travelling a long distance Rs. 50 Lakhs was demanded as



ransom failing which they threatened to kill him. From the spot, Md. Meraj, Saurabh Mishra and Manish Kumar were arrested while the driver of the Wagon-R, Mukesh Kumar (the petitioner herein) and one Sumit Kumar, who was on the motorcycle as also another unknown accused managed to escape. From those apprehended accused persons, one country made pistol and live cartridge were recovered.

The case of the petitioner is that he was not apprehended from the spot, nothing has been recovered from his possession and the accused persons apprehended named him and he came to be implicated and is in custody since 19.11.2022 and till date, no Test Identification Parade has been done.

Learned APP for the State submits that not only he was driver in the car which carried the abducted person, he has criminal antecedent one of which is of same nature.

Taking into account the submissions put forward by the parties, the petitioner has not been apprehended from the spot, no T.I. Parade has been conducted and is in custody since 19.11.2022 (as stated in paragraph-12 of the petition) this Court is inclined to grant him privilege of bail



but only after framing of the charge.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case NO. 162 of 2022 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/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

Jagdish/-

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

