

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36960 of 2023

Arising Out of PS. Case No.-53 Year-2023 Thana- KALUAHI District- Madhubani

NIRAJ KUMAR @ NIRAJ KUMAR KAMAT S/O of Prakash Kamat
RESIDENT OF VILLAGE MAHARAJPUR P.S KHAJAULI DISTRICT
MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subhash Kumar Jha, Adv.

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Kaluahi
P.S. Case No. 53 of 2023 corresponding to G.R. No. 396 of 2023
registered for the offence under Sections 363, 366(A), 341, 323,
504, 506/34 of the Indian Penal Code.

The daughter of the informant is alleged to have been
kidnapped by the petitioner and other accused persons.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case merely on the ground that
the petitioner happens to be relative of the co-accused, namely,
Sanjit Kumar, who was having love affair with the victim. He
further submits that during course of investigation, confessional



statement of the petitioner has been recorded in which he has stated that he along with main accused, Sanjit Kumar and the victim went to Jai Nagar, Railway station. Save and except the confessional statement of the petitioner, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. He further submits that it is admitted fact that the petitioner is a relative of the co-accused and he has no concern with the internal affairs of co-accused and the victim. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 31.03.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Judicial Magistrate, J.M.-1st Class, Madhubani in connection with Kaluahi P.S. Case No. 53 of 2023 corresponding to G.R. No. 396 of 2023 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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