

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41591 of 2023

Arising Out of PS. Case No.-291 Year-2020 Thana- ASHTHAWAN District- Nalanda

Gopi Kumar @ Kallu Son of Suresh Prasad @ Suresh Halbai @ Suresh Prasad Gupta, Resident of Village - Ugawan, P.S.- Asthawan, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sameer Sawarn, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-09-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 15.12.2020 in connection with Asthawan P.S. Case No. 291 of 2020, F.I.R. dated 13.12.2020 for the offences punishable under Sections 364A & 34 of the Indian Penal Code.

3. According to prosecution case, the son of the informant is said to have been abducted by the petitioner and his associates for the purpose of ransom.

4. Earlier the regular bail application of the petitioner was rejected vide order dated 06.04.2022 passed in Cr. Misc. No.55014 of 2021 and thereafter, order dated 05.04.2023 passed in Cr. Misc. No.20482 of 2023.



5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is that the petitioner has kidnapped the victim and demanding Rs.10/- lacs.

6. Learned counsel for the petitioner submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and petitioner is not named in the F.I.R. He further submits that similarly situated, co-accused namely, Ashish Kumar has been granted bail by this Hon'ble Court vide order dated 21.02.2022 passed in Cr. Misc. No.45604 of 2021. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 15.12.2020.

7. Vide order dated 19.07.2023 a report was called for with regard to the present stage of trial. Report dated 26.07.2023 of the learned Trial Court reveals that out of 8 charge sheet witnesses 5 have already been examined and 3 witnesses including the I.O. as yet to be examined in the present case.

8. Learned counsel for the petitioner further submits that the trial is not concluded in near future and petitioner is in



judicial custody since 15.12.2020.

9. Considering the aforesaid facts and circumstances, petitioner has clean antecedent, period of custody and similarly situated co-accused person has been granted bail and report of the learned Trial Court, 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 District and Session Judge, Biharsharif, Nalanda in connection with S.T. No.438 of 2021, arising out of Asthawan P.S. Case No. 291 of 2020, 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)

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