

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41571 of 2022

Arising Out of PS. Case No.-145 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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BITTU KUMAR Son of Hardeo Prasad Yadav @ Hardeo Yadav Resident of
Village - Kaithma, P.s.- Begusarai Muffasil, Distt.- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey
For the Opposite Party/s : Mr.A.G

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 31-01-2023 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Begusarai
Muffasil P.S. Case No. 145 of 2022 registered for the offences
punishable under Sections 364/34 of the Indian Penal Code and
Section 27 of the Arms Act.

As per prosecution case, petitioner and others
allegedly kidnapped the informant. It is further alleged that
police recovered the informant and brought him to police station
after giving him treatment in Sadar Hospital, Begusarai.

Learned counsel for the petitioner submits that



petitioner is in custody since 19.04.2022. Petitioner bears three criminal antecedents in which he is acquitted in one case and in two cases he is on bail. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel further submits that the petitioner is quite innocent and has committed no offence as alleged in the F.I.R. Learned counsel further submits that informant himself an absconder of Muffasil P.S. Case No. 485 of 2016 under Section 320, 120B and 34 IPC and Section 27 of the Arms Act. Police apprehended the informant and recorded his confession after that his confession has been converted into Fardbeyan of the present case and due to highhandedness of police, petitioner and others are implicated in the present case. No incriminating article has been recovered from the conscious possession of the petitioner.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case as well as period of custody, charge-sheet has already been submitted and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of the parties and also taking into consideration the material available



on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Begusarai in connection with Begusarai Muffasil P.S. Case No. 145 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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