

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46355 of 2022**

Arising Out of PS. Case No.-27 Year-2022 Thana- VIJAYEPUR District- Gopalganj

Dhiraj Ram Son of Sudhir Ram @ Sudhi Ram Resident of village- Mathiya,
P.S- Vijaipur, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Mishra, Advocate
For the Opposite Party/s : Mr. Pushpa Sinha, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

4 03-02-2023 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the informant as well as Additional Public Prosecutor for the State in the virtual court proceeding.

Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Petitioner seeks bail in a case registered for the offences punishable under Sections 363 and 366A of the Indian Penal Code and later on Sections 364A, 302, 201, 120B and 34 of the Indian Penal Code have been added.

According to prosecution case, the informant states that her daughter has been kidnapped by unknown persons, when she went to cut grass from her field, who has been sending the messages on her mobile number through net number



484590798.

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 petitioner has accepted that he has demanded *rangdari* from WhatsApp no. of mobile no. 7319789303 and 9693743108. He further submits that it has come during investigation that the WhatsApp chat of the petitioner was verified by the specialist and it was found that from internet no. 48459079857 there was a chat from mobile no. of Amresh Kumar (9693743108) who appears to be the cousin of the deceased and mobile no. 7319789303 who happens to be the own brother of the deceased. He further submits that except the aforesaid materials, no other material has come during investigation against the petitioner. He further submits that it appears from the FIR that the alleged occurrence took place on 13.02.2022 but the present FIR was instituted on 17.02.2022 after delay of four days without giving the explanation of delay. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 22.02.2022.

The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have



vehemently opposed the prayer for bail of the petitioner and submits that during investigation it has come that the petitioner was involved in the alleged occurrence.

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 Vijaipur P.S. Case No. 27 of 2022, 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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