

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44083 of 2022

Arising Out of PS. Case No.-382 Year-2021 Thana- HARSIDHI District- East Champaran

NIRAJ KUMAR @ NIRAJ SINGH Son of Ajay Kumar Singh Resident of
Village - Kubra, P.s.- Harsidhi, Distt.- East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shakil Ahmad Khan, Advocate

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 15-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 364/34 of the Indian Penal
Code.

According to prosecution case, in brief, is that as per
written application of the informant Sanjay Giri that on
23.09.2021 in the day his son Anand Mohan Giri and his
neighbour Manu Giri had gone to Raxaul for negotiating
personal loan and at 02:00 O'clock the informant's nephew got
information on mobile that the FIR named accused persons have
kidnapped the informant's son Anand Mohan Giri and his
neighbour Manu Giri for ransom of Rs. 1 lac. It is further



alleged that they searched, but they did not find any trace.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of statement of the victim namely, Manu Giri which was recorded under Section 164 Cr.P.C. He further submits that it appears from the statement of the victim that no ransom has been paid to the accused persons and except the statement of the victim which was recorded under Section 164 Cr.P.C. no other cogent material has come during investigation against the petitioner. He further submits that petitioner has been remanded from Harsidhi P.S. Case No. 390 of 2021 on 01.10.2021. The petitioner is in custody since 10.12.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Harsidhi P.S. Case No. 382 of 2021, 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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