

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49660 of 2023

Arising Out of PS. Case No.-66 Year-2023 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Nitesh Rai @ Nitesh Kumar Rai @ Nitesh Kumar S/o Mahesh Rai R/o
Village- Bathna, P.S. -Mehshi, Dist.-East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mrs. Alka Verma, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection

with Kazi Mahammadpur P.S. Case No.66 of 2023 registered for

the offences punishable under Sections 364, 365 and 120-B of

the Indian Penal Code.

3. The accused/petitioner is not named in the FIR and

is in custody since 15.02.2023.

4. Allegation against the petitioner is to kidnap the

father of informant along with other unknown co-accused

persons, who happens to be a driver of scorpio vehicle having

Registration No.BR01PE-2892 belongs to one Kamre Alam.

5. It is submitted by learned counsel that petitioner



has been falsely implicated with present case for single reason as vehicle in issue i.e., BR01PE-2892 was alleged to be recovered from front of his house. It is submitted that save and except said suspicion, nothing surfaced incriminating against this petitioner during the course of investigation. It is pointed out that the present FIR was not lodged by the owner of vehicle. It is also submitted that the aforesaid vehicle was given to petitioner by one Vikky Kumar and Mukesh, who appears to be co-accused of this case as to provide said vehicle on hire basis, whenever occasion arises. It is also submitted that FIR was lodged with delay of three days without having any just explanation. While concluding argument, it is submitted that the petitioner found involved in one more case, which is related with excise and moreover investigation of this case is completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances, as vehicle with which father of informant was engaged as a driver found in front of house of this petitioner after three days of the occurrence, where no reporting regarding



theft of said vehicle was made by owner, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 15.02.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-11th, Muzaffarpur in connection with Kazi Mahammadpur P.S. Case No.66 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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