

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52657 of 2023

Arising Out of PS. Case No.-201 Year-2023 Thana- KANTI District- Muzaffarpur

RADHE SHYAM KUMAR son of Manoj Singh Resident of village -
Narayanpur, P.s. - Narayanpur, Distt. - Bhojpur at Arah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mirityunjay Kumar, Advocate

For the Opposite Party/s : Mr.Shyam Bihari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 22-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Kanti P.S. Case No. 201/2023 registered under Sections 364(A)/34 of the Indian Penal Code lodged on 17.03.2023 by the informant, Dr. Suresh Prasad Singh.

As per the prosecution story, the informant's father found his son missing and later, received call for ransom of Rs. 30 lakhs. Accordingly, the FIR.

Subsequently, his son returned next day whereafter co-accuseds, Satyam Kumar & Chandan Kumar were apprehended

The case of the petitioner is that co-accused, Satyam Kumar had booked the Bolero and little did he realize that the



child who is sitting as passenger actually has been kidnapped and he being the driver had no such knowledge and/or were part of the plan.

It is his submission that he do not have criminal antecedent and has already suffered by being in custody since 19.03.2023 (as stated in paragraph-12 of the petition).

Learned APP for the State opposes the prayer for bail stating that he being the driver of the Bolero has role to play.

Taking into account the fact that the main conspirator are Satyam Kumar & Chandan Kumar, he is driver of the Bolero, has no criminal antecedent and has remained in custody since 19.03.2023, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Muzaffarpur in connection with Kanti P.S. Case No. 201 of 2023, subject to the following conditions:

- (i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;
- (ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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