

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54858 of 2023

Arising Out of PS. Case No.-111 Year-2022 Thana- INDUSTRIAL AREA District- Vaishali

Mukesh Kumar Son Of Jaimangal Chaudhari @ Jaimangal Choudhary
Resident Of Village - Sultanpur Jethui, Police Station - Industrial Area,
District - Vaishali At Hajipur

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
17.01.2023 in connection with Industrial Area P.S.Case No.111
of 2022, F.I.R.dated 05.07.2022 registered for the offence under
Sections 364A, 395,397 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 04.07.2022
at 8 O'clock night the informant after closing his shop departed
for his home from motorcycle and reached near Chourasia
Chowk at 8:20 P.M. just then one Maruti Wagon-R vehicle came
from behind and intercepted informant's motorcycle and 5
persons armed with pistols came down and beat him by butt of



pistol and brought him in Wagon-R vehicle and his motorcycle was taken away by one of the accused. It is further alleged that the accused tied informant's mouth and eye with gamcha and put on the floor of vehicle and pressed him by feet and talked that Rs. 50 lacs shall be extorted from the family of the informant only then he will be released. In that course the police of Bhagwanpur Police Station stopped the Wagon-R vehicle for checking and the police found the informant in tied condition and some accused persons fled away and three accused persons with firearms were caught by police. The accused persons also looted Rs. 65000/- while catching the informant and also beat badly.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The name of the petitioner has been transpired on the basis of the disclosure made by co-accused persons, namely, Md. Miraj, Saurav and Manish Kumar. Further submits that from a bare perusal of the FIR it appears that other co-accused persons apprehended alongwith the victim and petitioner was not present alongwith other co-accused persons and except the confessional statement of co-accused persons, no other material has come during investigation against the petitioner to suggest



the involvement of the petitioner in the present occurrence and co-accused person, namely, Aniket Kumar has been granted bail vide order dated 26.06.2023 passed in Cr. Misc. No.34314 of 2023 and other co-accused persons, namely, Manish Kumar and Saurabh Mishra @ Saurabh Kumar, who have disclosed the name of the petitioner, have also been granted bail vide orders dated 17.07.2023 and 20.07.2023 passed in Cr. Misc. Nos. 15857 of 2023 and 18963 of 2023 respectively by different Coordinate Benches of this Hon'ble Court and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 17.01.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries three more cases other than the present one but fairly submits that out of three cases, the petitioner is on bail in two cases and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

6. Considering the aforesaid facts, 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 learned J.M.-1st Class, Vaishali at Hajipur in connection with Industrial Area P.S.Case No.111 of



2022, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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