

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53776 of 2022

Arising Out of PS. Case No.-395 Year-2020 Thana- UDAKISHUNGANJ District-
Madhepura

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AKHILESH MALLIK Son of Brahmchari Mallik Resident of Village -
Fatoria, Ward No.- 03, P.S.- Alamnagar, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 14-02-2023 Let the defects, if any, pointed out by the office be removed within two weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Udakishunganj P.S. Case No. 395 of 2020 registered for the offences punishable under Sections 363, 365 and 120B of the Indian Penal Code.

As per the prosecution, the informant alleged that this petitioner along with co-accused persons have kidnapped the informant's father.



The main submissions advanced by the learned counsel Mr. Uday Chand Prasad for the petitioner are that the FIR of the instant matter was lodged after the delay of seven days from the alleged day of the occurrence and as per the prosecution's story narrated in the FIR the main allegation is against co-accused namely Rajo Mallick and Reena Devi who have been granted Anticipatory Bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.49671 of 2021 and in the FIR there is no specific allegation against the petitioner, except taking the victim from his house along with co-accused persons but any motive on the part of the petitioner to take the victim with him and co-accused persons for committing any offence has not been revealed and petitioner is not a villager of the informant's village. Further submission is that the petitioner has fair and clean antecedent and has been languishing in jail since 12.08.2021 and against him the investigation has been completed and during the investigation no single witness examined by investigating officer has claimed to have seen the victim in the company of the petitioner.

Learned APP Mr. Chandra Bhushan Prasad appearing for the State has opposed the bail prayer.

Having considered the above submissions and mainly



the privilege of Anticipatory Bail granted to two co-accused persons by a Co-ordinate Bench of this Court vide order passed in above-mentioned Cr. Misc. case and the petitioner's case stands on better footing from them as he has spent more than one year in jail and against him the investigation has been completed as per the above submission, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner 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 concerned Court in connection with Udakishunganj P.S. Case No. 395 of 2020.

(Shailendra Singh, J)

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