

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58302 of 2022

Arising Out of PS. Case No.-231 Year-2022 Thana- PATLIPUTRA District- Patna

Rakesh Kumar @ Rakesh Kumar Riv @ Rakesh Kumar Ravi Son Of Khedan
Ram R/V- Salar Khurd, P.S- Phulwariya, Dist- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raushan Kumar Son of Devilal Prasad R/V- Manguraha, P.S- Chiraiya, Dist-
East Champaran , Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Mishra,Adv
For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-02-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner apprehends his arrest in connection
with Patliputra P.S. Case No. 231 of 2022 for the offence
registered under sections 364 and 365 of the Indian Penal Code.

As per the prosecution story, the informant alleged
that his brother was Director of a private company which
appoints petty contractors for wall painting advertisement for
Prohibition of liquor, installation of smart meter etc. On
26.04.2022, the petitioner called his brother at Patliputra station.
When he went with his motorcycle and later on the informant
received a call from his brother in the evening that he is under



captivity and the accused persons are demanding Rs. 4 lacs. Later, he received a call from his brother mobile number where one Rahul stated that Rs. 4 lacs be sent in the name of his brother, which they are demanding. Accordingly, FIR was lodged.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that the petitioner was suffering with fever and was at Patna. The only accusation against him is that he had called the informant's brother (victim) to Patliputra Station. Further submission is that he was serving the victim as labour for wall painting and also replacing the smart meter for which certain amount was made.

Learned APP opposes the prayer for bail of the petitioner.

Be that as it may the FIR shows that the petitioner was in Patna and was suffering from fever there is/was certain dispute regarding payment of amount, the petitioner do not have criminal antecedent, this court is inclined to extend him privilege of anticipatory bail with conditions.

Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/-



(Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial MagistrateX, Patna in connection with Patliputra P.S. Case No. 231 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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 co-operate in the investigation and make himself available to the police as and when required;

(iii) 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;

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

(v) 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 the bail bonds;

(vi) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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