

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60597 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- MUNGER MUFFASIL District- Munger

UTTAM KUMAR @ UTTAM SON OF UDAY SHARMA R/O VILLAGE-
MAI DARIYAPUR, P.S.- MUFFASIL, DISTRICT- MUNGER

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal (Sr.Adv.) Mr. Jyoti Ranjan Jha (Adv.) Mr. Deep Nishi
For the Opposite Party/s :		Mr. Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 18-01-2023 This case is listed for hearing out of turn on account of mentioning that wife of the petitioner is seriously ill and she has been referred to PMCH for treatment. It is also mentioned that petitioner is also to take competitive examination being conducted by **State Level Police Recruitment Board, Andhra Pradesh** which is to be conducted on 22.01.2023.

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

The petitioner seeks bail in connection with Muffasil
P.S. Case No. 18 of 2022, registered for the offences
punishable under Sections 363, 365 and 366(A) of the



Indian Penal Code.

The prosecution case as emerging from the FIR is that on 15.01.2022, the petitioner and his associates kidnapped the daughter of the informant, with intent to ravish and kill her.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He refers to the statement of the alleged victim as recorded under Section 164 Cr.P.C, as per which there is allegation of only kidnapping simpliciter. There is no allegation of any motive behind the kidnapping. Such offence is Magistrate triable.

He further submits that the petitioner has been languishing in jail since 04.07.2022.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has no criminal antecedents.

It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently



opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, **this application is allowed**, particularly the statement as recorded under Section 164 Cr.P.C., directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, Munger in connection with Muffasil P.S. Case No. 18 of 2022, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.



(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioner.

It is made clear that in case the ground of out of turn hearing as mentioned by Ld. Counsel for the petitioner is found to be false by the court below on information provided by the informant and the court below getting satisfied that the ground mentioned for out of turn hearing is false, the court below shall cancel the bail-bonds of the petitioner.

Ld. counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the



certified copy of this order only after removal of office
objections.

(Jitendra Kumar, J)

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