

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66749 of 2023

Arising Out of PS. Case No.-1133 Year-2022 Thana- NAWADA District- Nawada

Praveen Kumar @ Golu Son of Krishna Prasad R/o vill - Bela (Police Line),
P.S. - Akbarpur, Distt. - Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Yogendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nawada Town P.S. Case No.1133 of 2022, lodged on
04.10.2022, under Sections 363/385 of the Indian Penal Code.
Later on, during the course of investigation the case was found
true under Sections 363/365/364A/120B of the Indian Penal
Code.

3. As per the prosecution case, the FIR has been
lodged against named accused, in which name of the petitioner
is not there. It has been alleged that the named accused has
kidnapped the six months old child of the informant.

4. Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He submits
that name of the petitioner has figured by virtue of the statement



of Chandan Verma, who disclosed that the petitioner has informed him that one Vishwajit Kumar is interested to take a child and the said Chandan Verma has provided this child to Vishwajit Kumar. Counsel for the petitioner submits that the said child has been recovered from the house of Vishwajit Kumar and in the FIR itself the direct allegation against the Chandan Verma who has kidnapped the child of his brother and sold the said child in Rs.1,50,000/-. Counsel submits that the said Vishwajit Kumar and his wife, who were also accused in the case from whose house the child has been recovered, have been granted bail by a coordinate Bench of this Court vide order dated 27.03.2023 passed in Cr. Misc. No.73159 of 2022. Antecedent of the petitioner is clean. He is in custody since 05.07.2023.

5. Learned counsel for the State opposes the prayer for bail and submits that on the petitioner's behest the child was kidnapped. He submits that it is true that kidnapped child has been recovered from the house of co-accused and they have been granted bail by a coordinate Bench of this Court.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner, above named, be granted bail on furnishing bail bonds of Rs.30,000/-



(Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Nawada, in connection with Nawada Town P.S. Case No.1133/2022, 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 *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 bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

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

(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.

(Dr. Anshuman, J)

Mkr./-

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