

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69291 of 2022

Arising Out of PS. Case No.-265 Year-2022 Thana- KATORIYA District- Banka

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GUDDU ANSARI S/O Nayeem R/O Village- Sirsana, P.S- Katoriya, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.N. K. Agrawal, Sr. Advocate
		Md.Najmul Hodda, Advocate
		Mr.Kumar Rajdeep, Sr. Advocate
For the Opposite Party/s :		Mr.Jagdhara Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 27-04-2023 Heard learned senior counsel appearing on behalf of the petitioner, learned Additional Public Prosecutor appearing on behalf of the State.

Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

The accused/petitioner is named in F.I.R and apprehending his arrest in connection with Katoriya P. S. Case No. 265 of 2022 registered for the offences punishable under Sections 363, 365, 120-B/34 of the Indian Penal Code.

The allegation against the petitioner is to kidnap the minor son of the informant aged about 15 years, along with



other named co-accused persons, in the background of local political rivalries.

Learned senior counsel appearing on behalf of the petitioner submitted that occurrence was supported by victim while recording his statement under Section 164 of the Cr.P.C. but he failed to name this petitioner though he named rest of co-accused persons. It is submitted that after statement of victim who alleged to be kidnapped, nothing survives against this petitioner. While concluding the argument, it is submitted that petitioner found involved in two (2) more criminal cases, where he is on bail.

Learned APP for the State, while opposing the prayer of bail submitted that petitioner is a man of criminal antecedents.

Considering the aforesaid facts and circumstances, as victim failed to name this petitioner in his statement as recorded under Section 164 of the Cr.P.C., let above named petitioner, in the event of his arrest or surrender before the Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate,



Banka/concerned Court, in connection with Katoriya P. S. Case No. 265 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with following conditions:-

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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