

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67043 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Prem Kumar Sahni Son Of Pradeep Sahni R/O Villalge- Sakarbasa, P.S.-
Cheriya Bariyarpur, Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 10-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
23.07.2022 in connection with Cheriay Bariyarpur P.S. Case No.
31 of 2022, F.I.R. dated 09.02.2022 for the offences punishable
under Sections 364A/120B/34 of the Indian Penal Code.

According to prosecution case, the petitioner along
with other accused persons have kidnapped the son of the
informant for ransom demand.

Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that during investigation the co-accused persons, namely, Shiv Kumar Sahini and Sajjan Sahini in their confessional statement have stated the name of the petitioner. He further submits that the victim boy was recovered from the house of Ramdev Yadav and Ramdev Yadav also confessed the involvement of the petitioner in the present case. He further submits that except the confessional statement of the co-accused persons, no cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence and the statement of the victim boy which was recorded under Section 164 of the Cr.P.C. in which he has disclosed the name of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 23.07.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 learned Additional Chief Judicial Magistrate-V, Begusarai, Bihar in connection with Cheriya Bariyarpur P.S. Case No. 31 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order



shall not be delayed for purpose of or in the name of
verification.

(Rajesh Kumar Verma, J)

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