

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72599 of 2022

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

Munna Kumar @ Kishan Kumar Son of Santosh Kumar R/o village -
Muradpur, P.S.- Dumra, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Jha, Advocate.

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-04-2023 Heard Mr. Dinesh Jha, learned counsel for the
petitioner and learned APP for the State.

Petitioner is apprehending his arrest in connection
with Patliputra P.S. Case No.231 of 2022, for the offences
registered under Sections 364, 365 of the Indian Penal Code.

The prosecution case is based on the written report of
the informant alleging therein that the brother of the informant
was director of a private company, which appoints petty
contractor for wall painting etc. On 26.04.2022, co-accused
Rakesh Kumar @Rakesh Kumar Riv @ Rakesh Kumar Ravi
called his brother at Patliputra station and when he went there,
he was kidnapped by the accused persons. While the brother of
the informant was in captivity, the accused persons made



demand of Rs.4,00,000/-, accordingly the FIR was lodged.

Learned counsel appearing on behalf of the petitioner submits that the FIR has been instituted against two of the accused persons and there is not even a whisper against the petitioner. Further the brother of the informant himself appeared at Mehsaul O.P. Sitamarhi from where he was brought to the concerned police station and his statement was recorded under Section 164 of the Cr.P.C., even in that statement the victim did not take the name of the petitioner. Further submission has been made that co-accused Rakesh Kumar @Rakesh Kumar Riv @ Rakesh Kumar Ravi against whom the entire allegation revolves has been allowed privilege of anticipatory bail by the learned Co-ordinate Bench of this Court in Cr. Misc. No. 58302 of 2022 vide order dated 04.02.2023.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioner is carrying four criminal antecedent over his head and during the course of investigation his name has surfaced on the basis of the confessional statement of co-accused Saurav Kumar.

In response to the aforesaid submission, learned counsel for the petitioner further submitted that the petitioner is



on bail in three cases, except the present one.

Regard being had to the submissions made on behalf of the parties and considering the fact that the person against whom the entire allegation revolves has been allowed anticipatory bail by learned Co-ordinate Bench of this Court and the name of the petitioner did not even come in the statement of the victim recorded under Section 164 of Cr.P.C., let the petitioner, above named, in the event of his arrest or surrender before the learned court below, within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-X, Patna, in connection with Patliputra P.S. Case No.231 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Harish Kumar, J)

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