

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1037 of 2023

Arising Out of PS. Case No.-189 Year-2022 Thana- BEUR District- Patna

RAVI KUMAR Son of Shambhu Prasad Ram @ Shambhu Ram R/V- Mitra
Mandal Colony Phase-2 P.S- Beur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate
Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 27-06-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
11.08.2022 in connection with Beur P.S. Case No. 189 of 2022,
F.I.R. dated 30.04.2022 for the offences punishable under
Sections 363, 365 of the Indian Penal Code and later on
Sections 302, 201, 120(B), 364/34 of the Indian Penal Code.

According to prosecution case, as per F.I.R., the
allegation against the petitioner is to kidnap the brother of the
informant, alongwith other co-accused persons, where the F.I.R.
was lodged for the reason that the mobile phone of the brother
of the informant turned switched off after making a payment of
Rs.1,60,000/- (Rupees One Lakh Sixty Thousand) under



direction of his brother.

Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the F.I.R. and the name of the petitioner has been transpired on the basis of confessional statement of co-accused namely, Ramashish and thereafter self confessional statement of the petitioner. He further submits that except the aforesaid, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. He further submits that similarly situated, co-accused, namely, Jitendra Ravidas, Dev Kumar Singh, Om Prakash Kumar, Munna Kumar @ Shiv Kumar, Jitendra Kumar, Rahul Kumar @ Manager, Sudhir Kumar have been granted bail by a co-ordinate Bench of this Court vide order dated 14.12.2022 passed in Cr. Misc. No. 41722 of 2022, Cr. Misc. No. 40419 of 2022, Cr. Misc. NO. 41499 of 2022, Cr. Misc. No. 43092 of 2022, Cr. Misc. No. 44928 of 2022, Cr. Misc. No. 47866 of 2022 and Cr. Misc. No. 58024 of 2022 and another co-accused namely, Bipul Kumar has been granted bail by this Court vide order dated 17.04.2023 passed in Cr. Misc. No. 75061 of 2022. He further submits that the police after investigation submitted the charge



sheet against the petitioner and the petitioner is in judicial custody since 11.08.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedent other than the present one and out of two cases petitioner is on bail in Beur P.S. Case No. 206 of 2022 as mentioned in Para-3 of the bail petition.

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-III, Patna in connection with Beur P.S. Case No. 189 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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