

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21284 of 2024

Arising Out of PS. Case No.-349 Year-2022 Thana- ALOULI District- Khagaria

Chhotu Kumar, Son of Late Maheshwar Yadav, Resident of Village-Gaurachak,
P.S.-Alauli (Bahadurpur O.P.), District-Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Adv.
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 08-07-2024 Heard learned counsel for the petitioner and the learned
APP for the State.

2. The matter has been placed before this Court for consideration of the petitioner's bail prayer made under Section 439 of Cr.P.C.

3. Petitioner seeks regular bail in connection with Alauli P.S. Case No. 349/2022 dated 30.07.2022 registered for the offence punishable under Section 366(A) read with Section 34 of the Indian Penal Code.

4. Mr. Sanjeev Kumar, learned counsel for the petitioner submits that the petitioner earlier approached this bench for the relief of regular bail by filing Cr. Misc. No. 59998/2022 which was rejected on 27.04.2023 and thereafter, the petitioner has again come for the said relief mainly on the ground of his long incarceration period which has been about two years. Learned



counsel further submits that the petitioner is a young person and at the time of the alleged offence, he was residing in Delhi for his education and livelihood and when he came to meet his sister then he was falsely implicated in the present case and during investigation, the police has not found any incriminating evidence to show his direct involvement in the alleged kidnapping and he has been languishing in jail since 31.07.2022, having fair and clean antecedent.

5. Mr. Mritunjay Kumar Nirala, learned APP appearing for the State has opposed the bail prayer.

6. Considering the above submissions and mainly taking into account the petitioner’s custody period and his fair and clean antecedent coupled with the fact that the prosecution has failed to show the cogent and direct evidence to show his involvement in the alleged crime. In my opinion, in the said circumstances, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged 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 Court concerned in connection with Alauli P.S. Case No. 349/2022.

(Shailendra Singh, J)

annu/-

U		T	
---	--	---	--

