

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27037 of 2024

Arising Out of PS. Case No.-247 Year-2019 Thana- HARNAUT District- Nalanda

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Amit Pandey @ Amit Kumar Son Of Manikanta Pandey Resident Of Village-
Parikh, Ps- Aungari, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Singh, Advocate

For the State : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 05-07-2024 Heard Mr. Amit Kumar Singh, learned counsel for

the petitioner and Ms. Gulnar Begum, learned A.P.P. appearing

on behalf of the State.

2. The petitioner seeks bail, who is in custody since
25.01.2024, in connection with Harnaut P.S. Case No. 247 of
2019, FIR dated 21.06.2019 registered for the offence under
Sections 363 and 365 of the Indian Penal Code and later on
Sections 394, 302, 201 and 411 of the Indian Penal Code was
also added.

3. As per the prosecution case, driver of the informant
was kidnapped by some accused persons along the informant's
car.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. He further submits that initially the petitioner has not been named in the F.I.R. but his name transpired in this case during the investigation on the basis of the confessional statement of the co-accused person, namely, Yuv raj @ Shivam Kumar. He further submits that the Yuv raj @ Shivam Kumar has used the SIM card of the petitioner and on the basis of the CDR report, the petitioner has been implicated in this case. He further submits that co-accused person, namely, Yuv raj @ Shivam Kumar has already been granted bail by a Co-ordinate Bench of this Court vide order dated 09.07.2020 passed in Cr. Misc. No. 38 of 2020, co-accused person, namely, Sudhir Kumar @ Sudhir Gope has been granted bail by a Co-ordinate Bench of this Court vide order dated 16.11.2022 passed in Cr. Misc. No. 29521 of 2022, co-accused person, namely, Rajnish Pandey has been granted bail by a Co-ordinate Bench of this Court vide order dated 11.07.2022 passed in Cr. Misc. No. 57405 of 2021 and another co-accused person, namely, Nitish Kumar has also been granted bail by this Court vide order dated 10.10.2023 passed in Cr. Misc. No. 27411 of 2023. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial



custody since 25.01.2024.

5. Learned A.P.P. for the State, on the other hand, opposed the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case and the fact that petitioner has clean antecedent and on the basis of the confessional statement of the co-accused person the petitioner has been made accused in the present case and other co-accused persons have also been granted bail by this Court and the Co-ordinate Bench of this Court, let the, above named, petitioner 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 learned Chief Judicial Magistrate, Nalanda in connection with Harnaut P.S. Case No. 247 of 2019 with the following conditions:-

(i) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(ii) 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.



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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