

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26847 of 2024

Arising Out of PS. Case No.-861 Year-2022 Thana- FATUA District- Patna

Sankalp Kumar @ Golu Kumar Son of Late Jitendra Singh Village Daulatpur
Bariyo Khurd, Rana Tola, P.S.- Fatuha, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2024 Heard Mr. Ajay Kumar Sinha, learned Counsel for
the petitioner, Mr. Shailendra Kumar, learned Additional Public
Prosecutor for the State and learned counsel for the Informant.

2. The petitioner being in custody since 29.11.2022 seeks regular bail in connection with Fatuha Police Station Case No. 861 of 2022 dated 25.11.2022 registered for the offences punishable under Sections 363 and 365 of the Indian Penal Code.

3. This is the third attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was rejected by this Court *vide* order dated 25.07.2023 passed in Criminal Misc. No. 30766 of 2023. Thereafter, *vide* order dated 23.02.2024 passed in Cr. Misc. No. 13278 of 2024, the prayer for bail of the petitioner stood



dismissed as withdrawn giving liberty to the petitioner to file afresh before the learned court below as the impugned order had already been assailed in Cr. Misc. No. 30766 of 2023.

4. According to prosecution case, the petitioner is alleged to have kidnapped the minor son of the informant.

5. Learned counsel for the petitioner submits that the 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 offence as alleged in the F.I.R and the informant is own agnate of the petitioner and due to some previous dispute the petitioner has falsely been implicated in the present case.

6. On the other hand, learned counsel for the State as well as learned counsel appearing for the informant vehemently opposed the prayer for regular bail of the petitioner and submit that from para-30 of the case diary, the statement of the victim has been recorded wherein he has stated that the petitioner has abducted him and also assaulted the victim.

7. This Court, *vide* order, dated 19.04.2024 had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report dated



06.05.2024 has been submitted by learned Additional District & Sessions Judge-III, Patnacity, Patna and from perusal of the same, it would be evident that the record is pending for prosecution evidence, charge was framed against the petitioner on 07.11.2023 and not even a single witness, out of six charge-sheeted witnesses, has been examined as yet.

8. Learned counsel for the petitioner, referring the said report, submits that trial is not likely to be concluded in near future and the petitioner is in custody since 29.11.2022.

9. Considering the aforesaid facts and circumstances, the period of custody as well as the report of the trial court, the petitioner namely, Sankalp Kumar @ Golu Kumar is directed to 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 District & Sessions Judge-III, Patnacity, Patna in connection with Fatuha Police Station Case No. 861 of 2022 (S.Tr No. 685/2023), subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



(ii) If the petitioner tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii) 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 petitioners. 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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