

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21796 of 2024

Arising Out of PS. Case No.-1287 Year-2023 Thana- KHAGARIA District- Khagaria

Prashant Kumar son of Jitendra Kumar Mehta Village Po- Maheshpur Ps-
Sanhaula Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 30381 of 2024

Arising Out of PS. Case No.-1287 Year-2023 Thana- KHAGARIA District- Khagaria

Amardeep Kumar Son of Ram Prasad Mehta Resident of Village and Post-
Maheshpur, Police Station- Sanhaula, District- Bhagalpur, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 21796 of 2024)
For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP
(In CRIMINAL MISCELLANEOUS No. 30381 of 2024)
For the Petitioner/s : Mr.Pramod Kumar Singh, Advocate
For the Opposite Party/s : Mr.Arvind Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 09-05-2024 Heard learned counsel for the petitioners, learned APP
for the State and perused the case diary.

2. The petitioners seek bail in connection with
Khagaria (Muffasil) P.S. case No. 1287 of 2023, G.R. No. 4400
of 2023 instituted for the offences under Sections 364/34 of the
Indian Penal Code.



3. Prosecution story, in short, is that the maternal uncle of the informant was kidnapped by five named accused persons and five unknown persons on the point of pistol.

4. Learned counsel for the petitioners submitted that petitioners have falsely been implicated in the present case. Petitioners are not named in the FIR. Learned counsel for the petitioners submitted that the names of the petitioners have transpired in this case only because the kidnapped victim stayed in their house as per paragraph-25 and 28 of the case diary. Learned counsel further submitted that victim in his statement recorded under Section 164 has not whispered anything against these petitioners. He further submitted that no offence under the SC/ST Act is made out. Charge-sheet has been submitted in this case under Section 365/34 of the Indian Penal Code and 3(1)(r) (s)/3(2)(va) of the SC/ST Act. It has been submitted on behalf of the petitioners that the petitioners are in custody since 20.12.2023 and has no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.



7. Let the petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Khagaria (Muffasil) P.S. case No. 1287 of 2023, G.R. No. 4400 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

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

(Rudra Prakash Mishra, J)

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