

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34447 of 2024

Arising Out of PS. Case No.-326 Year-2022 Thana- KHODAWANDPUR District- Begusarai

Rahul Kumar S/o Pawan Mahto R/o Village- Dhattha, Ward No. 2, P.S.-
Rosera, Dist.- Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Yogesh Kumar, Advocate

For the Opposite Party/s : Mr.Parmanand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The accused-petitioner, not named in the F.I.R., is apprehending his arrest in connection with Khodawandpur P.S. Case No. 326 of 2022 registered for the offences punishable under Sections 363, 365 of the Indian Penal Code. He has two criminal antecedent as stated in paragraph '3' of the application.

3. The allegation against the petitioner is to kidnap the son of the informant alongwith other co-accused persons including his wife, who is still traceless.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner falsely implicated being a distant relative of the missing son of the informant. It is



submitted that learned trial court rejected the prayer of anticipatory bail only for the reason that allegation is of heinous crime. It is further submitted that name of petitioner appears in the present case only out of confessional statement of co-accused namely, Ramnath Yadav, in furtherance of which, no incriminating material was recovered/surfaced during course of investigation as to connect the petitioner *prima-facie* with the present occurrence of kidnapping. It is submitted that the wife of missing son of the informant, who is also co-accused in the present case, lodged a criminal complaint bearing No. 173/2022 *qua* same occurrence, where no allegation was raised against the petitioner. It is also submitted that petitioner found involved in two criminal cases which is alleged to be arising out of land dispute.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. In view of the aforesaid factual submissions as save and except suspicion arising out of confessional statement, nothing *prima-facie* appears against this petitioner as to connect with present occurrence, accordingly, above-named petitioner, in the event of his arrest/surrender within a period



of four weeks from today, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Manjhaul, Begusarai/concerned court in connection with Khodawandpur P.S. Case No. 326 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C/Section 482(2) of the Bhartiya Nyaya Suraksha Sanhita (in short "B.N.S.S.") and further condition that:

Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(Chandra Shekhar Jha, J.)

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