

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38835 of 2024

Arising Out of PS. Case No.-290 Year-2004 Thana- GOPALGANJ TOWN District-
Gopalganj

Nejam Painter @ Nijam Painter @ Md Nizamuddin S/o Hamid Mian R/o
Village- Hardiya, P.s.-Thawe, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.
For the Opposite Party/s : Mr. Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 05-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Gopalganj P.S. Case No. 290 of 2004 dated 31.10.2004 registered for the offences punishable under Section 364A of the Indian Penal Code.

3. As per the prosecution case, seven unknown miscreants are alleged to have kidnapped the son of the informant and they demanded a ransom of Rs. 2,00,000/-.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR. It is further submitted that it appears that the son of the informant was



missing since 19.08.2004 and the informant got ransom call on 25.09.2004. The police was informed on 29.09.2004 and the FIR was lodged on 31.10.2024 and there is no explanation for this delay. Nothing has been recovered from the possession of the petitioner. The petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 12.11.2023.

5. Learned A.P.P. for the State has opposed the bail petition of the petitioner and submitted that the supplementary charge-sheet has been filed against the petitioner showing him absconder on 22.05.2006, since then the petitioner was not appearing in the court below. Thereafter, Sections 82 and 83 has already been issued against the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII, Gopalganj in connection with Gopalganj P.S. Case No. 290 of 2004, with the following conditions:-

(i) The petitioner is directed to remain physically



present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

(ii) The Court below shall verify the criminal antecedent of the petitioner and at any stage, if it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bonds 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 same of verification.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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