

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41103 of 2024

Arising Out of PS. Case No.-303 Year-2023 Thana- BAHERI District- Darbhanga

Manish Kumar @ Manish Prasad Singh S/o Vikneshwar Prasad
Singh@Vikneshwar Singh @ Bikneshwar Prasad Singh R/o Village-
Matharahi, P.s.-Baheri, District-Darbhangha

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurav Anand

For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 28-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Baheri P.S. Case No. 303 of 2023, registered on 06.09.2023 for the offences under Sections 364(A) and 34 of the Indian Penal Code.

3. As per the prosecution case, eight year old grandson of informant was kidnapped and ransom demand was made on the mobile phone of the mother of the minor child. Informant showed his suspicion that the petitioner who took his grandson to the market on pretext of getting the recharge for the mobile phone and his associates kidnapped his grandson.

4. Learned counsel appearing on behalf of the

petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The mobile phone from which the ransom demand was made was put on surveillance and the co-accused person Manoj Yadav, was apprehended while trying to flee away from the spot where he was found with the victim on motorcycle. Thus, recovery of victim was made from the possession of co-accused Manoj Yadav and the mobile phone was also recovered from his possession. Only because of the fact that the victim had gone with the petitioner, he has been falsely implicated in this case and realizing their mistake the family of the victim has compromised the matter with the petitioner by filing a compromise petition before the Court of 1st Additional Sessions Judge, Darbhanga stating that there is no involvement of the petitioner and the kidnapping was done by the co-accused. The petitioner is cousin of the victim boy. The petitioner is in custody since 27.03.2024 and he has no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering lack of substantive material against the petitioner and further

considering his clean antecedent, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VII, Darbhanga/concerned court, in connection with Baheri P.S. Case No. 303 of 2023, subject to the condition laid down under Section 438(2) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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