

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44961 of 2024

Arising Out of PS. Case No.-26 Year-2023 Thana- BARHIYA District- Lakhisarai

Gulshan Kumar Son Of Late Debu Singh Village- Pratappur, P.S.- Barahiya,
Distt.- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Kumar, Advocate
	:	Mr. Mukesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-09-2024 Heard Mr. Bijay Kumar Pandey, learned counsel
for the petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Sessions Trial No. 190 of 2023 arising out of Barahia P.S. Case No. 26 of 2023 for the offence under Sections 364 and 120-B of the Indian Penal Code lodged on 31.01.2023 by the informant, Sushil Kumar.

3. As per the prosecution story, the allegation is that the informant's son, Saurav @ Golu was driving the four wheeler car alongwith his friend, Avinash Kumar. Further, allegation is that named accuseds including this petitioner abducted him alongwith vehicle, left his friend, Avinash Kumar mid-way. He came and narrated the case to



the Police. Accordingly, the FIR.

4. Subsequently, the victim was recovered and as per the observation of the learned Session Judge under section 164 of the Cr.P.C., he supported the prosecution story. Then, there is confessional statement of the petitioner which has been incorporated by the learned Sub-ordinate Court while rejecting the bail petition.

5. Learned counsel for the petitioner submits that he has remained in custody since 01.02.2023 (paragraph no.8 of the petition), do not have criminal antecedent and as the trial is on, the informant has been examined and he has not identified this petitioner. The further submission is that he will be diligently appearing in trial, if granted relief.

6. Let the deposition of the informant before the trial court be kept on record.

7. Learned APP opposes the prayer submitting that they roam around the highway and snatch the vehicles of the innocent persons moving on the road.

8. Though, the allegation is against the petitioner, the fact remains that he has remains in custody since 01.02.2023 and further the informant in course of



examination has not identified. In that background and considering that he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail.

9. Let the petitioner be released on bail within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-1st, Lakhisarai, in connection with Sessions Trial No. 190 of 2023 arising out of Barahia P.S. Case No. 26 of 2023, with the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months



to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his/her bail bonds.

(Rajiv Roy, J)

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