

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42513 of 2024

Arising Out of PS. Case No.-29 Year-2019 Thana- BIDUPUR District- Vaishali

Rajeev Kumar Son of Late Kailash Prasad Singh R/O Vill.- Sahdullahpur,
P.S.- Ganga Bridge, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

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

For the State : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2024 Heard Mr. Sanjay Kumar, learned counsel for the

petitioner, and Ms. Rina Sinha, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
03.04.2024 in connection with Bidupur P.S. Case No. 29 of
2019, F.I.R. dated 13.01.2019 for the offences punishable under
Sections 363, 365, 420, 406 and 120(B) of the Indian Penal
Code.

3. According to prosecution case, the petitioner along
with two other accused persons have kidnapped the victim and
demanded ransom from the family of the victim and on non
fulfillment of this demand they threatened to kill him.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case. He further submits that the allegation as alleged in
the F.I.R is false and fabricated and the petitioner has not



committed any offence as alleged in the F.I.R and due to admitted land dispute he is implicated in this case. He further submits that the other co-accused persons have faced the trial bearing Sessions Trial No. 1072 of 2022. He further submits that the trial Court has acquitted two co-accused persons namely, Indaresh Kumar and Vivek Kumar with whom the victim was moving on motor cycle on 06.01.2019. Apart from that the co-accused, namely, Indaresh Kumar has been granted bail by this Hon'ble Court vide order dated 19.06.2023 passed in Criminal Misc. No. 70043 of 2022. The police after investigation submitted the charge-sheet and the petitioner is in custody since 03.04.2024.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the statement of the victim was recorded under Section 164 Cr.P.C. in which he has supported the case of the prosecution. Apart from that the petitioner carries eight criminal antecedents other than the present one but fairly submits on the basis of paragraph no. 3 of the bail petition that the petitioner is on bail in five matters out of eight.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-I Class, Vaishali in connection with Bidupur P.S. Case No. 29 of 2019, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond 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 name of verification.

(Rajesh Kumar Verma, J)

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