

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48727 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- SONEPUR District- Saran

Shyam Babu Rai Son of Nagina Ray Resident of Vill- Phatepur Chain, P.S.- 7
Awatarnagar, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate
For the State : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 04-09-2024 Heard Mr. Hemant Kumar, learned counsel for the
petitioner and Mr. Nityanand, learned Additional Public
Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sonpur P.S. Case No. 09 of 2024, F.I.R. dated
03.01.2024 for the offences punishable under Sections 366(A)
and 34 of the Indian Penal Code.

3. According to the prosecution case,
petitioner and other co-accused person have kidnapped the
daughter of the informant.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that from a
bare perusal of the FIR it appears that there is no role at all of



the petitioner in the present occurrence and he has been made accused on the ground that he is father of the co-accused person, namely, Raja Kumar who has kidnapped the daughter of the informant. He further submits that co-accused person, namely, Anita Devi who happens to be the mother of the co-accused Raja Kumar and wife of the present petitioner has been granted the privilege of anticipatory bail by this Court vide order dated 10.07.2024 passed in Cr. Misc. No. 40103 of 2024.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 A.D.J., 7th Saran at Chapra in connection with Sonpur P.S. Case No. 09 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other 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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