

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52378 of 2024**

Arising Out of PS. Case No.-253 Year-2022 Thana- SANGRAMPUR District- East
Champaran

Braj Bihari Prasad son of Chhotelal Sah Village- W.No-5, Near Shiv Mandir
Bariyarpur Dubha Ps- Darpa Dist- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prateek Tandon, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 04-10-2024 Heard Mr. Prateek Tandon, learned counsel for the

petitioner and Mr. Gauri Shankar Gupta, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Sangrampur P.S. Case No. 253 of 2022, F.I.R.
dated 22.07.2022 for the offences punishable under Sections
364/34 of the Indian Penal Code.

3. According to prosecution case, the informant
suspects that this petitioner along with other accused persons
have kidnapped his son who went outside after the call of co-
accused, Ranjeet Bhagat.

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 the petitioner has been implicated in this case on the basis of the CCTV footage which was recorded on 18.07.2022 but the informant has instituted the present F.I.R on 22.07.2022. He further submits that nothing has come during investigation which suggests the involvement of the petitioner in the present occurrence. He further submits that although the petitioner was with the victim on 18.07.2022 but after that the petitioner has never met the victim.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and nothing has come during investigation which suggests the involvement of the petitioner in the present occurrence, 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 Judicial Magistrate 1st Class, Motihari, East Champaran in connection with Sangrampur P.S. Case No. 253 of 2023, 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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