

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55532 of 2024

Arising Out of PS. Case No.-153 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

Adarsh Kumar @ Shivam Son of Mukesh Kumar Jha Resident of Village -
Borwara, P.S. - Karja, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2024 Heard Mr. Nachiketa Jha, learned counsel for the

petitioner and Mr. Dilip Kumar No. 1, learned Additional Public

Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
31.03.2024 in connection with S. Tr. No. 407 of 2024 arising out
of Sahebganj P.S. Case No. 153 of 2024, F.I.R. dated 30.03.2024
for the offences punishable under Sections 364, 365 and 34 of
the Indian Penal Code.

3. According to prosecution case, son of the informant
was kidnapped by some unknown miscreants.

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
allegation as alleged in the F.I.R. is false and fabricated and the



petitioner has not committed any offences as alleged in the F.I.R. He further submits that the petitioner is not named in the F.I.R and the name of the petitioner has been transpired during investigation. He further submits that the victim was recovered and his statement was recorded under Section 164 of the Cr.P.C. in which he has not stated anything about the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Sri Sant Kumar Singh @ Raja @ Sri Sant Kumar has been granted bail by this Court vide order dated 21.09.2024 passed in Cr. Misc. No. 47884 of 2024. The petitioner is in custody since 31.03.2024.

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

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 Additional District Judge XVI, Muzaffarpur in connection with S. Tr. No. 407 of 2024 arising out of Sahebganj P.S. Case No. 153 of 2024, 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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