

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60720 of 2024

Arising Out of PS. Case No.-243 Year-2019 Thana- LALGANJ District- Vaishali

Sanjiv Kumar Son of Tuntun Singh R/V-Village- Patedha Bujurg, PS- Belsar,
Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-10-2024 Heard the learned Advocate for the petitioner and
the learned APP for the State.

2. The petitioner seeks grant of regular bail, who is in custody in connection with Lalganj P.S. Case No. 243 of 2019 registered for the offence punishable under Sections 363, 364(A), 120(B) and 34 of the Indian Penal Code.

3. Allegedly while the minor son of the informant was found missing, while he was sitting in his Jewellery shop. On inquiry it was found that on the fateful day at about 11:00 AM, an unknown lady came to the shop and took away his son.

4. Learned Advocate for the petitioner drawing the attention of this Court, submitted that the FIR clearly suggests that the boy was taken away by an unknown lady. On the fateful day itself, the lady was apprehended along with the boy. The



statement of the victim boy was recorded under Section 164 Cr.P.C., wherein, he has not even whispered about the complicity of the petitioner. He has categorically narrated that he was moving along with the accused lady and, in the meantime, the police apprehended her. The confessional statement of that lady was also recorded by the police, wherein, she had disclosed the name of some of the persons as conspirator. Save and except the confessional statement, there is no material. Taking note of the aforesaid facts, other co-accused persons, whose names transpired in the confessional statement of the lady, they have been allowed the privilege of bail by the learned Co-ordinate Bench of this Court, the copy of which is produced before this Court.

5. On the other hand, learned APP for the State submits that the FIR instituted way back in they year 2019 and the petitioner has approached before this Court after five years, coupled with the fact that the co-accused has disclosed the name of the petitioner as one of the conspirator.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the confessional statement there is no material suggesting the complicity of the petitioner even the victim has not disclosed



about the complicity of any persons, including the petitioner, moreover, the FIR has been instituted only against the unknown lady, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Lalganj P.S. Case No. 243 of 2019, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J.)

Jyoti Kumari/-

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