

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66665 of 2024

Arising Out of PS. Case No.-638 Year-2019 Thana- KANTI District- Muzaffarpur

Suraj Kumar @ Tutu Singh, aged about 27 years, Male, son of Braj Kishore Thakur, R/O Village- Sirkohia, P.S.- Saraiya (Jaitpur O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 04-10-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Kanti PS Case No.638 of 2019 corresponding to Sessions Trial No.891 of 2022 dated 25.08.2019, instituted for the offence punishable under Sections 366-A/34 of the Indian Penal Code.

3. The prosecution case, in short, is that on the alleged date of occurrence the informant sent her daughter to Harchanda Bazar, but she did not return. Prior to that on 23.08.2019 at about 7.00 PM, she received a message from Mobile No.7494066820 that her daughter will be kidnapped. Earlier also, she received such treats from this number which belongs to the petitioner. She has expressed apprehension that the



petitioner and others have kidnapped her daughter.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is further submitted that the victim was recovered in the next morning. There is no allegation of misbehaving with her. Specific allegation is against a lady, who forcibly pulled the victim inside the car. The petitioner is the tenant of Binod Singh. Further submission is that co-accused Binod Singh has been granted bail by this Court by order dated 09.12.2022 passed in Cr. Misc. No.51407 of 2022. The petitioner is in custody since 21.12.2023. Five criminal cases are pending against the petitioners.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge, 11th, Muzaffarpur, in Kanti PS Case No.638 of 2019 corresponding to Sessions Trial No.891 of 2022, subject to the conditions (i) that the petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) that one of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife, (iii) that the bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse, (iv) that 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, and (v) that the petitioner will appear in the concerned Police Station every fortnightly and file his attendance for the next six months.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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