

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20828 of 2025

Arising Out of PS. Case No.-165 Year-2022 Thana- MALSALAMI District- Patna

Satish Kumar @ Seth Son of Parmeshwar Saw Resident of Village- Chutika
Bazar Simli, PS- Malsalami, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-05-2025 Heard Mr. Akhauri Kamal Kishore Sahay, learned
counsel for the petitioner and Mr. Mohammad Sufyan, learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
04.12.2024, in connection with Malsalami P.S. Case No. 165 of
2022, F.I.R. dated 21.03.2022 registered for the offences
punishable under Sections 363, 365/34 of the Indian Penal Code
and later on Section converted under Sections 302, 201, 120(B)
of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with other co-accused persons kidnapped the son of the
informant.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in the



present case. 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 on the basis of confessional statement of co-accused person namely Amit Kumar @ Tufani Singh which was recorded in paragraph no. 63 of the case diary which suggests that although the petitioner was accompanied with the other co-accused person but there is no specific allegation of any assault or overt act attributed against the petitioner. He further submits that other co-accused person namely Chotu @ Chainiz has been granted bail by a Coordinate Bench of this Court vide order dated 04.09.2023 passed in Cr. Misc. No. 58847 of 2023, another co-accused person namely Shahrukh @ Avinash Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 19.03.2024 passed in Cr. Misc. No. 84016 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 04.12.2024.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the name of the petitioner has come during investigation and apart from that the petitioner carries



two more cases other than the present one but fairly submits on the basis of paragraph no. 3 of the bail petition that the petitioner is on bail in the pending matters.

6. Considering the facts and circumstances of the case and the fact that the name of the petitioner has been transpired on the basis of disclosure made by co-accused person and there is no specific allegation of any assault or overt act attributed against the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Patna City, Patna in connection with Malsalami P.S. Case No. 165 of 2022, subject to the following conditions :-

(1) 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.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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