

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74385 of 2024

Arising Out of PS. Case No.-62 Year-2023 Thana- SILAO District- Nalanda

Rakesh Kumar Son of Chhote Yadav @ Chhote Prasad, Resident of Village
-Sundar Bigha, P.S. and District- Nalanda, Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Abhijeet Gautam, Advocate
For the Opposite Party/s : Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-01-2025 Heard Mr. Abhijeet Gautam, the learned counsel for

the petitioner and Ms. Renu Kumari, the learned Additional Public

Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since

24.06.2024, in connection with Silao P.S. Case No. 62 of 2023,

FIR dated 22.02.2023, registered for the offences punishable under

Sections 364(A) and 34 of the Indian Penal Code.

3. According to the prosecution case, six unknown

persons kidnapped the son of the informant and demanded a

ransom of Rs. 25,00,000/- (Rupees twenty-five lakhs only) from

him or they will kill his son.

4. Learned counsel for the petitioner submits that

petitioner has falsely been implicated in the present case and he is

not named in the FIR and his name transpired during investigation

on the basis of confessional statement of the co-accused person



namely, Raushan Kumar and thereafter, the petitioner had also confessed his guilt in the present case and except the confessional statement of the co-accused person no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence. He further submits that the said Raushan Kumar has been granted bail by this Court *vide* order dated 07.08.2023 passed in Cr. Misc. No. 34487 of 2023. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 24.06.2024.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that petitioner carries one criminal antecedent other than the present one and he has also confessed his guilt in the present case, but fairly submits that petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances and mainly the facts that except the confessional statement of the co-accused person no other cogent material has come during investigation which suggests the involvement of the petitioner in the present occurrence and a co-accused person has been granted bail by this Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction



of the learned Judicial Magistrate 1st Class, Bihar Sharif, Nalanda,
in connection with **Silao P.S. Case No. 62 of 2023**, 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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)

Shahnawaz/-

U		T	
---	--	---	--

