

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81708 of 2024

Arising Out of PS. Case No.-219 Year-2023 Thana- MAHESHKHUNT District- Khagaria

Lalu Kumar @ Lalu Chaudhary S/o Late Dashrath Chaudhari Resident of
Village-Chhoti Jhitkiya, P.S- Mahesh Khunt, Distt.- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 83394 of 2024

Arising Out of PS. Case No.-219 Year-2023 Thana- MAHESHKHUNT District- Khagaria

Sumit Yadav @ Sumit Kumar Son of Pappu Yadav Resident of Village -
Madarpur, P.S. - Maheshkhunt, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 81708 of 2024)

For the Petitioner/s : Mr. Vivekanand Singh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 83394 of 2024)

For the Petitioner/s : Mr. Chandan Kumar Kashyap, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 30-01-2025 Heard Mr. Vivekanand Singh, Mr. Chandan

Kumar Kashyap, learned counsel for the petitioners, Mr.

Jagdhar Prasad, Mr. Choubey Jawahar, learned APP for the State

and perused the case diary.

2. The petitioners seek bail in connection with

Mahesh Khunt P.S. Case No. 219 of 2023, instituted for the

offences punishable under Sections 363, 366A/34 of the Indian

Penal Code.



3. The prosecution case, in short, is that, co-accused, namely, Nishant Kumar along with other accused persons including these petitioners have abducted the daughter of the informant on gun point, assaulted the informant and his wife and threatened to kill them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material have been recovered from the conscious possession of the petitioners. Learned counsel for the petitioners also submits that the petitioners are not named in the FIR. Name of these petitioners have transpired in this case on the basis of confessional statement made by co-accused, namely, Nishant Kumar and the same has got no evidentiary value. It is further submitted that the victim girl in her statement recorded under Section 164 Cr.P.C. has also not mentioned anything against these petitioners, rather she has mentioned the name of co-accused, namely, Nishant Kumar. No specific allegation has been attributed against these petitioners.

5. Petitioner in Cr. Misc. No. 81708 of 2024 is in custody since 28.08.2024 and has got seven criminal antecedents in which he is on bail in all cases. Petitioner in Cr.



Misc. No. 83394 of 2024 is in custody since 16.09.2024 and has got no criminal antecedent.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

7. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

8. Let the petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Mahesh Khunt P.S. Case No. 219 of 2023, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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