

Abhinav Kumar vs The State Of Bihar on 11 August, 2021

Author: Rajeev Ranjan Prasad

Bench: Rajeev Ranjan Prasad

IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.3202 of 2021
Arising Out of PS. Case No.-469 Year-2020 Thana- SAHEBGANJ District-
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Abhinav Kumar Son Of Manoj Kumar Jaishwal Mohall Chhata Bazar Nanak
Saran Gali Gandhi Chowk, P.S. Town, District- Muzaffarpur

... .. Pe

Versus

The State of Bihar

... .. Opposite

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Appearance :
For the Petitioner/s : Mr.Sanjay Kumar @ S.K., Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP
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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-08-2021

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Let it be recorded that Mr. Umanath Mishra, learned A.P.P. for the State, who has been assigned this brief has not appeared on call therefore this Court has requested Mr. Akhileshwar Dayal, learned A.P.P. for the State to assist this Court.

Petitioner, in the present case, is seeking regular bail in connection with Sahebganj P.S. Case No. 469/2020 registered for the offences under Sections 364(A)/120(B)/34 of the Indian Penal Code. He is in custody since 04.09.2020.

Learned counsel for the petitioner submits that eleven years old son of the informant was kidnapped for ransom and a demand of Rs. One Crore was made from the informant Patna High Court CR. MISC. No.3202 of 2021(3) dt.11-08-2021 for the safe return of the child. The informant raised suspicion against his own brother-in-law and others.

Learned counsel further submits that the boy was recovered, he has named some of the persons involved in the alleged crime but did not name this petitioner. The father of boy has also not named this petitioner, however on the basis of the confessional statement of the co-accused the petitioner has been brought within the purview of this case.

Learned counsel submits that several co-accused including Munilal Rai and Sunar Rai have been granted bail by learned coordinate Benches of this Court in Cr. Misc. No. 13171/2021 and Cr. Misc. No. 18949/2021. The petitioner, who has otherwise no criminal antecedent, is in custody since 04.09.2020.

Mr. Akhileshwar Dayal, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner, however considering the facts and circumstances of the case and the submission that the victim boy has not named this petitioner and the petitioner has not been put on Test Identification Parade, he has not been identified as also that co-accused whose name had transpired in the statement of the victim boy and his father are said to have been granted bail by learned coordinate Patna High Court CR. MISC. No.3202 of 2021(3) dt.11-08-2021 Benches of this Court as noticed hereinabove, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - 1st (West) - cum - Sub-Judge, Muzaffarpur in connection with Sahebganj P.S. Case No. 469 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

- (a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,
- (b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and
- (c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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 antecedent, the court below shall take step for cancellation of Patna High Court CR. MISC. No.3202 of 2021(3) dt.11-08-2021 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.

(Rajeev Ranjan Prasad, J) Rajeev/-

U T Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.