

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32515 of 2015

Arising Out of PS.Case No. -87 Year- 2015 Thana -CHAPRA TOWN District- SARAN

1. Satish Kr. Tiwary @ Randhir Tiwary @ Randhar Tiwary S/o Shri Sawaliya Tiwary of village- Kolhuan, P.S.- Marhouwrah, District- Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.31097 of 2015

Arising Out of PS.Case No. -87 Year- 2015 Thana -CHAPRA TOWN District- SARAN

1. Vikash Tiwary Son of Shri Ashok Tiwary resident of village - Kolhua Karanpura, Police Station - Marhowrah, District - Saran (Chapra)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.41606 of 2015

Arising Out of PS.Case No. -87 Year- 2015 Thana -CHAPRA TOWN District- SARAN

1. Amresh Tiwari @ Amresh Kumar Tiwari son of Late Krishna Nand Tiwari, Resident of Village- Tejpurwa, Police Station- Marhowrah, District- Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.32515 of 2015)

For the Petitioner/s : Mr. Anuj Kumar

For the Opposite Party/s : Mr. P.N.Pandit (App)

(In Cr.Misc. No.31097 of 2015)

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. Gajendra Pd.Yadav(App)

(In Cr.Misc. No.41606 of 2015)

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. Surendra Pd.Singh (App)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-11-2015

The learned counsel appearing on behalf of the petitioner in Cr. Misc. No. 41606 of 2015 is permitted to make correction in paragraph-1 of the petition.

The three Criminal Miscellaneous have arisen out of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well as the learned A.P.P.

The petitioners seek bail in a case for the offences punishable under sections 363 and 364 A of the I.P.C

Aditya Kumar Pandey aged 3 ½ years was playing with mobile no. 8507063071 and thereafter he was kidnapped and ransom of Rs. 15,00,000/- was demanded from the informant on mobile no. 9835096776. During investigation the informant in his further statement stated the name of petitioner Vikash Tiwary and Vikash Tiwary confessed his guilt stating that the petitioner Satish Kumar Tiwary @ Randhir Tiwary @ Randhar Tiwary demanded the ransom. Vikash Tiwary further stated that he after lifting the boy handed over to Javed and the boy has been kept in the abandoned house of Sanjay Baitha and accordingly Javed was



caught and he also confessed his guilt and thereafter the kidnapped boy Aditya Kumar Pandey was recovered from the abandoned house of Sanjay Baitha along with Amit Tiwary and Mithilesh Prasad. The petitioner Satish Kumar Tiwary @ Randhir Tiwary @ Randhar Tiwary stated the name of Amresh Tiwary @ Amresh Kumar Tiwary that at his instruction Amresh Tiwary again demanded ransom.

Submission is of false implication and that the petitioners are not named in the F.I.R. and only on the basis of confessional statement they have been implicated. The kidnapped boy was recovered from the abandoned house and the petitioners were not there. The petitioner Amresh Tiwary @ Amresh Kumar Tiwary has got no concern and he has been apprehended from Haidrabad. Nothing tangible material has been recovered from his possession and only on the basis of confessional statement of Satish Kumar Tiwary @ Randhir Tiwary @ Randhar Tiwary he is suffering in custody since 07.07.2015.

The learned A.P.P. opposes prayer for bail by submitting that the kidnapped boy has been recovered on the basis of confessional statement of Vikash Tiwary and the mobile from which ransom was demanded from the informant has been recovered from possession of Satish Kumar Tiwary @ Randhir

Tiwary @ Randhar Tiwary and further Satish Kumar Tiwary refused to get his voice tested.

In the facts and circumstances as stated above, considering that the victim boy was recovered on the basis of confessional statement of petitioner Vikash Tiwary and from possession of Satish Kumar Tiwary @ Randhir Tiwary @ Randhar Tiwary mobile has been recovered from which ransom was demanded and as such this Court is not inclined to enlarge the petitioner Vikash Tiwary and Satish Kumar Tiwary @ Randhir Tiwary @ Randhar Tiwary on bail at this stage and accordingly their such prayer stand rejected.

However, considering that there is no tangible material against petitioner Amresh Tiwary @ Amresh Kumar Tiwary (petitioner in Cr. Misc. No. 41606 of 2015) and as such he is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge- Xth, Saran at Chapra in S.T. No. 219 of 2015 arising out of Chapra Town P.S. Case No. 87 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and

every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

However, the trial court is directed to expedite the trial of petitioners and to conclude the same preferably within six months, failing which the petitioners may be at liberty to renew their prayer for bail.

(Jitendra Mohan Sharma, J)

Abhay/-

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