

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30776 of 2014

Arising Out of PS.Case No. -65 Year- 2014 Thana -BAHADURPUR District- DARBHANGA

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Prajesh Kumar @ Prayesh Kumar Rai @ Pardeshi @ Tuntun Roy @
Brajesh Kumar Son of Hari Ballabh Roy Resident of village- Pator, P.S.-
A.P.M. District- Darbhanga

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhash Ranjan Thakur

For the Opposite Party/s : Mr. S.D.Singh Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

04/ 03-02-2015

Heard learned counsels for the petitioner,

State and the informant.

The petitioner is apprehending his arrest in
a case registered for the offences punishable under Sections
364/34 of the Indian Penal Code.

It is alleged that Shailendra Kumar Ojha,
the son of the informant, who was driver of a Scorpio vehicle of
Shashi Kumar, one Pashupati Kunwar @ Munna Mukhiya has
requested Shashi Kumar to give Scorpio vehicle when
Shailendra Kumar Ojha took the vehicle to village Navtol to
visit the house of Kanhaiya Paswan with Pashupati Kunwar @
Munna Mukhiya but thereafter both Pashupati Kunwar @



Munna Mukhiya and driver Shailendra Kumar Ojha went traceless. During investigation the name of petitioner sprang up in the confession of Himeshwar Kumar Mishra @ Himesh Mishra and Santosh Kumar Choudhary to the effect that due to the dispute with regard to the contract the petitioner was also a part of the conspiracy.

It is submitted by learned senior counsel for the petitioner that Bahadurpur P.S. Case No. 65 of 2014 was lodged by the father of victim Shailendra Kumar Ojha, namely, Bechan Ojha whereas Bahadurpur P.S. Case No. 67 of 2014 was lodged by the wife of the another victim Pashupati Kunwar @ Munna Mukhiya. After investigation charge-sheet has been submitted under Section 364/34 of the Indian Penal Code. The confession of Himeshwar Kumar Mishra @ Himesh Mishra and Santosh Kumar Choudhary does not suggest about the petitioner participating in the actual kidnapping nor there is any recovery in pursuance to the confession. Similarly situated co-accused Sanjay Singh has been granted anticipatory bail vide Cr. Misc. No. 28533 of 2014.

It is submitted by learned counsel for the informant that the confession of the above named two persons suggest that the petitioner was a part of the conspiracy in

commission of the offence.

Considering the circumstantial nature of accusation and the fact that similarly situated co-accused has been granted anticipatory bail, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Darbhanga in connection with Bahadurpur P.S. Case No. 65 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Since the petitioner is accused in two other cases, the learned court below will cancel the bail bonds of the petitioner, if he gets substantially involved in some serious nature of offence or defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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