

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.28160 of 2017**

Arising Out of PS.Case No. -8 Year- 2017 Thana -HAZIPUR INDUSTRIAL District-  
VAISHALI(HAJIPUR)

=====

Om Chandrakant, S/o Shyamdeep Rai, R/o Village- Daulatpur Dewaria,  
P.S.- Hajipur Sadar, District- Vaishali.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Bishwajeet Kumar

For the Opposite Party/s : Mr. Sri Aditya Narayan Singh 1

=====

**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

5      25-08-2017                      Heard learned counsel for the petitioner and learned  
  
APP for the State.

Petitioner is languishing in judicial custody since  
18.03.2017 in connection with Industrial Area (Hajipur) P.S. Case  
No. 08 of 2017 for offences punishable under Sections 385, 387  
of the Indian Penal Code and 17 C.C.A. Act.

The prosecution case, as lodged by the Executive  
President of the Avon Cycles Limited, Hajipur, is that they  
received ransom call from the mobile, earlier *Parcha* was also  
suffixed on the premises demanding ransom. It is alleged that  
some *Naxalites* have demanded ransom.



It has been submitted by the learned counsel for the petitioner that he is innocent, not named in the F.I.R. and has been falsely implicated only on the basis of confessional statement of one Gautam Kumar before the police, which has no evidentiary value in the eye of law. He submits that he has been arrested in Industrial P.S. Case No. 11 of 2017 which was lodged after the present case and arrested in that case on 25.01.2017 and remanded in the present case on 18.03.2017. He submits that except the confessional statement no allegation is against the petitioner and said co-accused Gautam Kumar is a relative of the petitioner hence, he has been falsely implicated. He submits that one of the co-accused has been granted privilege of bail by this Court in Cr. Misc. No. 26444 of 2017 on 08.08.2017 on similar allegations. He submits that charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on



bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1<sup>st</sup> Class, Vaishali at Hajipur in connection with Industrial Area (Hajipur) P.S. Case No. 08 of 2017, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned police station/ court, who will file an affidavit stating his relationship with the petitioner and that petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds. It is also made clear that if the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

**(Nilu Agrawal, J)**

Devendra/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

