

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23525 of 2018

Arising Out of PS. Case No.-333 Year-2017 Thana- KOTWALI District- Munger

Amit Kumar S/o Ram Chandra Yadav, R/o Vill.- Kemkha, P.S.- Kotwali,
District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karuna Nath Sahay

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 26-04-2018 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case initially registered for the offences punishable under sections 364/34 of the IPC though later on, section 302/201 of the IPC was added.

The prosecution case as per the written report of Savita Devi dated 2.10.2017 submitted to the SHO, Basudeopur OP is to the effect that on 30.9.2017 at 8 P.M. co-accused Sanny Kumar and Hero Yadav came to their house and took the son of the informant with them. Subsequently, with the mobile of the son of the informant co-accused Sanny called and allowed the son of the informant to talk to the informant and thereafter the mobile is being found switched off. Subsequently, during search the informant came to know that the petitioner, his family members and other co-accused persons have kidnapped the son of the informant with an intention to kill him. The motive for the



occurrence is that in January, 2017 the family of the petitioner resorted to fire on the son of the informant and after getting released in the said case the accused persons were threatening for withdrawing the said case.

It is submitted by learned counsel for the petitioner that specific case of the informant is that the victim went in the company of Sanny Kumar and Hero Yadav but these two accused in their confessional statement, have not named the petitioner. The petitioner is accused in an earlier case lodged against his family at the behest of the informant. Moreover, only on suspicion and due to old enmity the petitioner has been roped in the present case. However, after five-six days of the lodging of the case, dead body of the victim was recovered and then sections 302/201 of the IPC was added. It is further submitted that similarly situated co-accused Devesh Kumar alias Dipesh Kumar who has not been chargesheeted but investigation has been kept pending against him, has been granted anticipatory bail by a bench of this court vide Cr. Misc. No. 57739 of 2017 and following the said order, another bench of this Court vide Cr. Misc. No. 13265 of 2018 granted bail to co-accused Mithun Yadav whose case is similar to that of the petitioner who has been also chargesheeted along with the petitioner.



Statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the petitioner is named in the FIR.

Considering the fact that the thrust of accusation is against co-accused Sanny Kumar and Hero Yadav, the accusation against the petitioner and other similarly situated co-accused is based on suspicion and similarly situated co-accused have been granted bail coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Munger in connection with Kotwali (Basudeopur) P.S. Case No. 333 of 2017 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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