

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16226 of 2018

Arising Out of PS. Case No.-170 Year-2017 Thana- JAGDISHPUR District- Bhagalpur

Abhishek Kumar Singh @ Chhotu @ Abhishek Kumar Son of Sri Dilip Singh
Resident of village- Katshar, P.S.- Babarganj, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra
For the Opposite Party/s : Smt Sangeeta Sharma

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 17-05-2018 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner seeks bail in connection with
Jagdishpur P.S. Case No. 170 of 2017 registered under Section
364(A) of the Indian Penal Code.

One Tinku Miya is said to have kidnapped the son
of the informant along with his accomplices including the
petitioner and demanded Rs. 2,50,000/- as ransom spent by him
in managing the bail for his son and in lieu of articles damaged
by his son.

It is submitted by learned counsel for the
petitioner that the petitioner is not named in the FIR. He has
been falsely implicated in this case. Though, the victim in his
statement under Section 164 Cr.P.C. has named the petitioner,



but the aforesaid statement happens to be general in nature. The main accused in the case is Tinku Miya, who had kidnapped the victim over demand of ransom. Said victim was recovered after three days from the house of one Rinku Miya, who happens to be relative of Tinku Miya. Victim also happens to be associate of Tinku Miya and others and there was some internal dispute over money, and due to aforesaid dispute, victim might have been kept confined for quite some time. Though, two more criminal cases have been lodged against the petitioner, but he is on bail in the said cases. He has been languishing in custody since 5.06.2017. Similarly situated co-accused, namely, Golu @ Pratyksh @ Akshat Kumar Choubey, who has also been named by the victim in his statement under Section 164 Cr.P.C., has been enlarged on bail by a co-ordinate bench of this court in Cr. Misc. No. 49561 of 2017 vide order dated 21.12.2017.

On the other hand, learned APP for the State opposed the bail prayer of the petitioner and submitted that the victim has named the petitioner in the occurrence in his statement under Section 164 Cr.P.C., hence, he does not deserve bail.

In the facts and circumstances of the case, the above named petitioner is directed to be enlarged on bail on furnishing



bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned 5th Addl. Sessions Judge, Bhagalpur in connection with Jagdishpur P.S. Case No. 170 of 2017.

(Prakash Chandra Jaiswal, J)

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