

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4778 of 2019

Arising Out of PS. Case No.-435 Year-2018 Thana- MITHANPURA District- Muzaffarpur

1. Chandeshwar Sahani, aged about 55 years, Male, son of Gopal Sahani,
 2. Rohit Kumar @ Rohit, aged about 24 years, Male, son of Chandeshwar Sahani
- Both resident of Mohalla Balughat P.S. Town District, Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6545 of 2019

Arising Out of PS. Case No.-435 Year-2018 Thana- MITHANPURA District- Muzaffarpur

Chhotu Kumar, aged about 21 years, Male, son of Bharat Ray, resident of Village – Balughat, P.S-Town, District, Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 4778 of 2019)

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Md. Matloob Rab

(In CRIMINAL MISCELLANEOUS No. 6545 of 2019)

For the Petitioner/s : Mr.Raj Ballabh Singh

For the Opposite Party/s : Mr.Atul Chandra

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 27-03-2019 Heard learned counsel for the parties.

Petitioners seek bail in a case registered for the offence punishable under Sections 364(A)/34 of the Indian Penal Code.

It is alleged in the written report that son of the



informant was doing business of jewellery. Deepak Kumar had taken rupees sixty five thousand from son of the informant and he was not returning the same. It has further been alleged that on 9.11.2018, son of the informant had gone to Donarapatti for work and, thereafter, Deepak Kumar called him at Jail Chowk and on the strength of pistol, Deepak Kumar and Suraj Kumar took his son on motorcycle. Thereafter, son of the informant called his brother that he was kidnapped and after giving rupees two lacks, he will be rescued otherwise he will be killed. Thereafter, informant along with other went to the place where called by the miscreants but at 9.30, his son again called him and told that 7-8 miscreants were assaulting him and if aforesaid money is not given, he will be killed.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case due to local politics. The statement of victim boy was recorded under Section 164 Cr.P.C. wherein he has alleged that Deepak took him into the room of Shantanu and one Suraj was also present on the motorcycle along with Deepak. Petitioners have not been put on T.I.P. as yet. Similarly placed co-accused Raj Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 07.03.2019 passed in Cr. Misc.



No.14158 of 2019.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Mithanpura P.S. Case No. 435 of 2018, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

Sanjay/-

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