

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49464 of 2019

Arising Out of PS. Case No.-222 Year-2017 Thana- CHHAURADANO District- East
Champaran

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Md. Arsad Ali @ Md. Arsad Saifi @ Arsad Ali @ Arsad Saifi, Son of
Samsuddin @ Samasudin Miyan, Resident of Village - Hiramani, P.S.-
Chhauradano, Dist.- E. Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhannjay Kumar No 2

For the Opposite Party/s : Mr.Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-08-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
13.08.2018.

The petitioner has renewed the prayer for bail in a
case registered for the offences punishable under Sections
364A/34 of the Indian Penal Code.

The prosecution case as per the written report of
Manju Devi submitted to the SHO, Chhauradano Police Station
is to the effect that on 22.09.2017, when till 8.30 P.M., the
husband of the informant namely, Basant Lal Prasad did not
return from his shop, then at 9.30 P.M., the informant made a
call on his mobile phone, when someone received the call and



conveyed that her husband has met with an accident and they are taking him to Patna for treatment. Thereafter, co-villager of the informant namely, Dinesh Sah conveyed through mobile phone that the husband of the informant has been kidnapped by 6-7 in a white coloured Scarpio vehicle by 6-7 miscreants. Subsequently, the extortion of Rs. Twenty Lacs was demanded.

It is submitted by learned counsel for the petitioner that the petitioner is named by the victim in his statement recorded under Section 164 Cr.P.C. under certain misconception while the victim has been examined as P.W. 5 in Court and he has only identified co-accused Guddu Singh, Lakhraj Baitha and Dharmendra Singh. It is further submitted that co-accused Lakhraj Baitha, who was named by the victim in his statement recorded under Section 164 Cr.P.C., has been granted bail by a Co-ordinate Bench of this Court vide order dated 08.05.2019 passed in Cr. Misc. No. 24012 of 2019. Out of 9 charge sheeted witnesses, 8 witnesses have been examined and they have not identified the petitioner. It is further submitted that the petitioner is also accused in one another case, being Lakhaura P.S. Case No. 511 of 2017 registered for the offences punishable under Sections 420, 379, 342, 307 and 120B/34 of the Indian Penal Code, though statement has not been made in paragraph 3 of the



petition but it is submitted that the petitioner is on bail in that case.

Learned APP submits that the petitioner was named by the victim in his statement recorded under Section 164 Cr.P.C. he further admits that during trial, the victim has not identified the petitioner.

Considering the fact that the victim has not named the petitioner during trial in his deposition and the fact that the co-accused Lakhraj Baitha, who has been named by the victim during trial and statement under Section 164 Cr.P.C., has been granted bail, let the above named petitioner be released 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 10th Additional Sessions Judge, East Champaran at Motihari in connection with Sessions Trial No. 816 of 2018, arising out of Chhauradano P.S. Case No. 222 of 2017.

The learned Court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for three consecutive occasions.

(Dinesh Kumar Singh, J)

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