

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82862 of 2019

Arising Out of PS. Case No.-440 Year-2019 Thana- RAJIVNAGAR District- Patna

RAHUL KUMAR @ RAHUL JAIKAR, (Male), aged about 23 years, Son of Sri Binod Sharma @ Vinod Kumar, Resident of Village - Sherpur, P.S.- Maner, Distt - Patna. At present near Punaichak Pump House, Renter in House of Tinku Ji, P.S.- Shastri Nagar, Distt - Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate.
For the Opposite Party : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-12-2019 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in a case for the offence registered under Sections 341, 342, 323, 385, 343, 387 and 379/34 of the IPC.

The prosecution story, in brief, is that on 20.08.2019 co-accused Rahul Pandey booked the car bearing No. BR 01CQ 8624 of the informant on fare of Rs. 32,500/- to go to Delhi. Thereafter, the informant proceeded to Delhi with co-accused Rahul Pandey alongwith Rahul Jaikar (petitioner) and three others. When they reached in Delhi then the petitioner and co-accused Rahul Pandey asked to go to Harayana and on reaching there co-accused Rahul Pandey taking his vehicle kept confined



him in Hotel Kasis (Oyo) from where the petitioner kept concealed his vehicle for four days. On demand of vehicle, co-accused Rahul Pandey and his companions started assaulting and after administering wine naked him and the petitioner made his video and took photographs. He showed the same in his Mobile giving intimidation that if he will say to anyone, his video will be viraled. After four days, the petitioner asked him to pay Rs. 8,000/- for giving his vehicle and called him near *Vasundhara Cancer Hospital*, Delhi and gave the same at 8.00 P.M. and boarding him proceeded to Patna. The petitioner in the way got down to take tea. When the informant opened the dickey of his vehicle and saw a box containing something. On seeing this, they came and hurling abuses started assaulting and gave intimidation showing knife. Thereafter, they reached at Patna and parked his vehicle in front of the house of Rahul Pandey. The petitioner kept confined him in a room and after administering wine assaulted him. His companions asked him that they have brought rupees five Crores from Delhi in his vehicle and at 3.00 A.M. his man will take the same to the appropriate place then he will be released. They snatched his Mobile also and released him at 7.00 A.M. then he anyhow went to the police station and gave his written report.



It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 28.08.2019. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Though there is allegation of assault but there is no injury report on record to support the allegation made in the F.I.R. The petitioner hired the vehicle of the informant and there was certain dispute in respect of payment of rent of vehicle which led to institution of the present case.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released 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 A.C.J.M. III, Patna, in connection with Rajiv Nagar P.S. Case No. 440 of 2019.

(Sudhir Singh, J)

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