

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8956 of 2020

Arising Out of PS. Case No.-717 Year-2019 Thana- ARARIA District- Araria

SHIYAM KUMAR BHAGAT @ SHYAM KUMAR BHAGAT S/o
Rameshwar Prasad Bhagat R/o Mohalla- Kedia Patti, Ward No. 4, P.S.- Araria
(R.S.), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mrs. Anita Kumari Singh
Mr.Uday Pratap Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Araria (R.S.) P.S. Case No. 717 of 2019 for the offence registered under Sections 364A, 386 and 120B of the Indian Penal Code.

The case of the prosecution in brief is that the friends of the informant had gone to Islampur (West Bengal) by pick up Bolero vehicle and had purchased 25 cartons of English wine as also potatoes. It is further alleged that when the said persons had reached at Hariabara Toll Plaza, three persons came on a vehicle and intercepted the Bolero vehicle, whereafter they dragged out



the owner of the Bolero vehicle, namely, Sandeep Kumar from the pick up vehicle and made him sit in their vehicle. Subsequently, the said miscreants had taken out 25 cartons of English wine from the Boleroa pick up van as also had captured the friends of the informant, whereupon the other accused persons had also arrived there and then they had demanded ransom of Rs. 1.5 lakh to set the three friends of the informant free from their clutches. Subsequently, the informant had gone with a sum of Rs. 35,000/- for handing over the said amount to the accused persons for setting the three friends of the informant free.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is having a fair antecedent inasmuch as he is accused in two other cases but he is on bail in the said two cases. It is further submitted that the name of the petitioner has transpired during the confessional statement made by the co-accused person, namely, Ram Kumar Bhagat. It is further submitted that no material has come forth during the course of investigation by the Police to connect the petitioner with the alleged crime.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

I have heard the learned counsel for the petitioner and perused the materials on record as also those available in the case



diary. It is apparent from the materials available in the case diary that the name of the petitioner has transpired in the present case merely upon the confessional statement made by the co-accused person namely Ram Kumar Bhagat and in fact prima facie there is miniscule evidence on record, as far as the petitioner is concerned, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-Vth, Araria in connection with Araria (R.S.) P.S. Case No. 717 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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