

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19102 of 2020**

Arising Out of PS. Case No.-40 Year-2018 Thana- PATLIPUTRA District-
Patna

=====

ABHINASH KUMAR @ AVINASH KUMAR, male, Son of Gauri Shankar Chauhan Resident of village - Piparpatti, P.S.- Nawada Town, Distt.- Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr. Yogesh Chandra Verma, Sr. Advocate

For the Opposite Party: Mr. Bipin Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

3 19-05-2020 Heard learned Senior counsel for the petitioner and
learned APP for the State through video conference.

2. This is the third attempt on behalf of the petitioner, who is in custody since 07.02.2018 and has renewed his prayer for bail in connection with Patliputra P.S. Case No. 40 of 2018, having earlier been rejected by orders dated 26.09.2018 and 26.06.2019 in Cr. Misc. No. 47715 of 2018 and Cr. Misc. No. 26331 of 2019 respectively for the offence alleged under Section 364A of the Indian Penal Code.

3. The prosecution case relates to alleged kidnapping of the informant's younger brother, Jeyad Arif, aged 15 years and for which a demand for Rs.1,50,00,000/- by way of ransom was made.



4. Mr. Yogesh Chandra Verma, learned Senior counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated and is not named in the F.I.R.. It is submitted that the victim has been recovered the same day from the house of one Sudhir Kumar. In his statement recorded under Section 164 Cr. P.C., the victim has named three other co-accused persons namely, Waqar, Shashi Ranjan and Ashish as being involved in the offence. The petitioner has not been so named and as such his case stands on much better footing than the aforesaid other co-accused persons, namely Waqar, Shashi Ranjan and Ashish, who have been granted bail by this Court. Contrary to the observation made in the order of the learned Additional Sessions Judge dated 11.03.2019, a statement is made at the Bar that the petitioner is accused in only one prior case, namely Gardanibagh P.S. Case No. 26 of 2018. Moreover, the observation in the subsequent order of the learned Additional Sessions Judge dated 03.02.2020 based on paragraph-25 of the case diary is an error of record and there is no witness who has come forward to state that the petitioner was found keeping vigil over the victim. The petitioner has also pleaded that he has already suffered more than two years in custody while the co-accused persons with more grave allegations have been granted bail. The petitioner prays to be released also to enable him to attend to his father who is said to be suffering from cancer and is



in dire need of help for his medical treatment.

5. Mr. Bipin Kumar, learned APP appears and opposes the petition, submitting that the offence is of serious nature. In the earlier order of this Court dated 26.06.2019 passed in Cr. Misc. No. 26331 of 2019, a direction was given to the learned trial court to expedite the process of framing of charge.

6. Be that as it may and considering that other co-accused persons namely Waqar, Shashi Ranjan and Ashish who have been named by the victim in his statement recorded under Section 164 Cr. P.C. have been granted bail whereas the petitioner has not been so named by the victim, and also that there is likelihood of delay in framing of charge in the present special circumstances when the country is battling Covid-19 pandemic which has impeded regular functioning of courts, let the petitioner above named be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Patna, in connection with Patliputra P.S. Case No. 40 of 2018, if he is not otherwise required in any other case.

(Vikash Jain, J)

Ibrar/HR-

U		T	
---	--	---	--

