

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22999 of 2020

Arising Out of PS. Case No.-150 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

HIMANSHU RAJ S/o Late Birendra Kumar Singh Resident of Tarachak,
P.S.- Ajimabad, Distt- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23010 of 2020

Arising Out of PS. Case No.-150 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

ANIL KUMAR PANDEY S/o Late Sawaliya Pandey Resident of Village-
Saidpur, P.S.- Dighwara, Dist- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 22999 of 2020)

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

For the Opposite Party/s : Mr. Jitendra Kumar Singh, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 23010 of 2020)

For the Petitioner/s : Mr. Yogesh Chandra Verma, Advocate

For the Opposite Party/s : Mr. Mithilesh Kumar Khare, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 20-10-2020 Heard Mr. Yogesh Chandra Verma, learned counsel

for the petitioners in both cases, Mr. Jitendra Kumar Singh and

Mr. Mithilesh Kumar Khare, learned Additional Public

Prosecutors appearing for the State through video conferencing.

Both the cases are being heard together with consent

of the parties inasmuch as both the cases arise out of the same



First Information Report bearing Hajipur Sadar P.S. Case No. 150 of 2020 registered for the offences punishable under Sections 364-A and 120-B of the Indian Penal Code, 1860.

The allegation as per the First Information Report lodged by the wife of the victim namely, Khushbu Kumari, is that when she along with her husband was sitting in her house, six miscreants entered into the house of the informant and on the gun point they kidnapped her husband Shiv Pujan Kumar. It has further been alleged that the informant received a call on her Mobile phone in which a ransom amount of Rs.1,00,000/- was demanded.

Learned senior counsel for the petitioners submits that petitioners have falsely been implicated in this case with oblique motive by the informant. Learned counsel referring to the supplementary affidavit submits that victim is not the husband of the informant and her husband is Ajay Kumar Chaudhary. The informant herself is a lady of doubtful character. Learned counsel further submits that Amit Kumar Sinha who is named in the First Information Report was arrested and his confessional statement has been recorded in which he has stated that he had given loan to the victim and when he demanded his money back, the present case has been lodged. Learned counsel also



submits that name of the petitioners have transpired on the basis of confessional statement made by co-accused Amit Kumar Sinha who has been granted bail by learned court below itself. Learned counsel next submits that the victim has not alleged any overt act against the petitioners in his statement recorded under Section 164 Cr. P.C. The petitioners are posted as constables and they were appointed on compassionate ground. They are in custody since 01.03.2020 i.e. for about more than six months. Learned counsel submits that the charge sheet has been submitted against the petitioners and there is no possibility of the petitioners' absconding or tampering with the evidence.

Having heard learned counsel for the parties and taking into consideration the materials on record, the fact that charge sheet has already been submitted and there is no possibility that the petitioners will abscond or tamper with the evidence as well as the petitioners have remained in custody for about more than six months, I am inclined to grant regular bail to the petitioners.

Accordingly, let the petitioners, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at



Hajipur, in connection with Hajipur Sadar P.S. Case No. 150 of 2020 subject to the condition that the petitioners will be well represented on each date in the trial and if they fail to do so on two consecutive dates, their bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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