

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87054 of 2019

Arising Out of PS. Case No.-914 Year-2019 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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NILESH KUMAR @ NISHU Son of Jitendra Lal Panja Resident of Village-
Ishakchak, Ward no.47, P.S.-Ishakchak, District-Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pandey
For the Opposite Party/s : Mr.Arun Kumar Singh
Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 27-05-2020 Heard Mr. Sandeep Jha, the learned counsel appearing for
Mr. Rajesh Kumar Pandey, advocate for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Kotwali (Jogsar) P.S. Case No. 914 of 2019, registered for the
offence punishable under Sections 342, 323, 364A, 120B, 34 of
the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that on 12.10.2019,
the informant, Abhimanyu Kumar, was dragged by one Shashi
Kiran and his associates from his office situated in front of the
residence of the District Magistrate, Jamui and he was taken in a
white Scorpio to Bhagalpur and kept in flat no. 403 of Shri Ram
Apartment where the accused person, namely, Shashi Kiran had



stayed with the informant to keep a watch on him while rest of the persons had gone away. On 13.10.2019 at about 8-9 am., about 6-7 persons had arrived at the said flat and the accused person, namely, Shashi Kiran along with the said persons had physically tortured the informant and demanded extortion money whereafter they had called his father on mobile and demanded a sum of Rs. 6,00,000/-. It is further alleged that on 14.10.2019 at about 12.30 pm., the father of the informant had come at the Apartment with a sum of Rs. 50,000/-, however, the accused persons told him that till a sum of Rs. 6,00,000/- is paid, the informant shall not be freed. The father of the informant had then informed the police, who reached the said apartment in the evening at about 6 pm. and rescued the victim as also apprehended the said accused persons, namely, Shashi Kiran and his associates, who were seven in number. The said Shashi Kiran is alleged to have fired gunshot at the time of raid by the police. The Shashi Kiran had also disclosed the name of the other accused persons, who had brought the informant from Jamui to the aforesaid flat in question.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he is having a clean antecedent and he is languishing in custody since 15.10.2019. It is further



submitted that the petitioner is having no complicity in the present case as would be apparent from the materials on record. The learned counsel for the petitioner has further submitted that the co-accused persons, similarly situated, have already been granted bail by coordinate Benches of this Court vide order dated 11.12.2019 passed in Criminal Miscellaneous No. 81352 of 2019 and vide order dated 18.1.2020 passed in Criminal Miscellaneous No. 85968 of 2019.

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

Having regard to the facts and circumstances of the case, considering the fact that the petitioner is having a clean antecedent and he is languishing in custody since 15.10.2019 as also taking into account the parity of the case of the petitioner with that of the co-accused persons, who have already been granted regular bail by the coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner on bail upon him furnishing personal bond to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Jogsar) P.S. Case No. 914 of 2019.

It is further directed that once the lock-down is over and normal situation is restored, the petitioner, above named,



shall furnish bail bonds of a sum of Rs. 10,000/- with two sureties of the like amount each, within a period of four weeks, to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur in connection with Kotwali (Jogsar) P.S. Case No. 914 of 2019, failing which the present privilege of bail being extended to the petitioner shall stand revoked automatically.

The present petition stands allowed.

(Mohit Kumar Shah, J)

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