

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11760 of 2021

Arising Out of PS. Case No.-638 Year-2020 Thana- BHABHUA District- Kaimur (Bhabua)

1. Kamlesh Gond Son Of Girja Goan Resident Of Village - Kochadi, P.S. - Bhagwanpur, District - Kaimur.
2. Ravi Kumar Son Of Ram Iqbal Ram Resident Of Village - Dadara, P.S. - Bhagwanpur, District - Kaimur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Narayan Rai

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 16-09-2021 Heard learned counsel for the petitioners and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioners seek bail in connection with Bhabhua P.S. Case No. 638 of 2020 registered for the offence punishable under Section 366 of the Indian Penal Code.

Allegation, as per the F.I.R., is that petitioners had kidnapped one *Suraj Kumar* son of *Nathuni Ram*, who works in



the shop of informant while he was returning from Patel Chowk. It is alleged that since then the victim was traceless and his mobile phone was also found not reachable.

It is submitted by learned counsel for the petitioners that petitioners have falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that petitioners are not named in the F.I.R. He further submits that from seizure list it is evident that nothing incriminating has been recovered from the possession of the petitioners. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The petitioners have no criminal antecedent and they are languishing in custody since 18.10.2020.

Learned APP for the State vehemently opposing the bail petition submits that from perusal of Paragraph Nos. 26, 27, 28, 29 and 30 it is clear that witnesses have supported the prosecution case and the victim is still traceless.

In the facts and circumstances of the case and considering the fact that victim is traceless, I am not inclined to grant privilege of bail to the petitioners in connection with Bhabhua P.S. Case No. 638 of 2020 to the satisfaction of learned CJM, Bhabhua.

Accordingly, prayer for bail of the petitioners is hereby



rejected.

However, petitioners may renew their prayer for bail **after framing of charge.**

(Anjani Kumar Sharan, J)

GAURAV S./-

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