

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11798 of 2021

Arising Out of PS. Case No.-53 Year-2020 Thana- NTPC KHAIRA District- Aurangabad

PINTU CHOUDHAN Son of Mangru Chouhan, Resident of Village -
Narayanpur, P.S.- N.T.P.C Khaira, District - Aurangabad, (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bachan Jee Ojha, Adv.
For the Opposite Party/s	:	Mr.Ajit Kumar, APP
For the Informant	:	Mr.Bhaskar Shankar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-09-2021 Heard the parties.

The petitioner seeks bail in a case registered for the offence punishable under Sections 363/365 of the Indian Penal Code.

Prosecution case, in brief is that on 21.09.2020, the informant had gone to attend the engagement ceremony of his niece outside the village when his wife informed him that their son Rambachan Kumar returned home after duty at 9.30. pm and was going to take bath when he received one call on his mobile bearing no 7542801130 and then left the house immediately but he did not returned back.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this



case. He further submits that the petitioner is not named in the FIR. On the basis of confessional statement of co-accused, Chhotelal Chouhan, the petitioner has been made accused in this case and the petitioner is also dragged in the present case on the basis of CDR of the mobile of the informant which shows that the petitioner and the deceased had a talk on 21.09.2020 that is date of the kidnapping. The petitioner is languishing in judicial custody since 05.10.2020. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition. There is no eye witness in the present case only on suspicion, the petitioner has been made accused in this case.

Learned counsel for the informant as well as APP for the State vehemently opposed the prayer for bail application and submit that in the case diary witnesses have supported the prosecution case. The petitioner is involved in this case.

I perused the records including the case diary, there is no eye witness in the present case and only on the basis of confessional statement of co-accused, petitioner has been made accused in the present case.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five



thousand) with two sureties of the like amount each in connection with N.T.P.C. Khaira P.S. Case No. 53/2020 to the satisfaction of learned Court below where the case is pending/ successor Court.

(Anjani Kumar Sharan, J)

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