

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13171 of 2021

Arising Out of PS. Case No.-469 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

1. MUNILAL RAI @ MUNILAL RAY Son of Mr. Mahendra Rai @ Mahendra Ray Resident of Village - Jirati Tola, P.S.- Sahebganj, District - Muzaffarpur
2. Rahul Kumar Son of Mr. Munilal Rai @ Munilal Ray Resident of Village - Jirati Tola, P.S.- Sahebganj, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Udbhav, Adv.

For the Opposite Party/s : Ms. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 20-07-2021 In view of sudden resurgence of COVID-19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioners and the learned APP for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in Sahebganj PS Case No. 469 of 2020, registered under Sections 364(A), 120(B), 34 of the Indian Penal Code.

The allegation is that the son of informant has been



kidnapped while informant was at home with her family members. There is alleged call on mobile phone of the informant for demand of a sum of Rs. 1 crore.

Learned counsel for the petitioners submits that the informant was settled at her parents home. The dispute is regarding execution of sale deed of agricultural land. In such circumstance, informant has implicated the members of the family including the instant petitioner. Upon recovery, the victim has given inconsistent statements under Sections 161 and 164 of the Cr.P.C.

From perusal of the order of the learned Additional Sessions Judge rejecting the petitioner's prayer for bail, based on material in the case diary with allegation that the petitioners were standing as guard near the minor victim.

The submission is of false implication and that having regard to the totality of the circumstances. Co-accused Sunar Rai, Ragini @ Sanju Devi and Manish Kumar have been allowed bail in Cr. Misc. No. 18949 of 2021 dated 09.07.2021, Cr. Misc. No. 8291 of 2021 dated 30.06.2021 and Cr. Misc. No. 5522 of 2021 dated 15.04.2021.

Petitioners are in custody since 04.09.2020 having no criminal antecedents.

Learned APP has opposed the prayer for bail.



Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioners is allowed. Let the petitioners above named be released on 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 Additional Chief Judicial Magistrate 1, West Muzaffarpur, in Sahebganj PS Case No. 469 of 2020, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fails to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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