

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35656 of 2021

Arising Out of PS. Case No.-111 Year-2013 Thana- NAYAGAON District- Saran

Sujit Upadhayay @ Chulbul Pandey @ Chulbul @ Bittu Pandey @ Panditji
S/o Late Krishna Upadhaya R/o village- Sukhal, P.S.- Jiradei, Distt.- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in S.Tr.No. 151 of 2020, arising out of Nayagaon P.S. Case No. 111 of 2013, registered for the offence under Sections 364A, 120(B), 212 of the Indian Penal Code.

As per the prosecution case, one businessman of Daman namely Suhail Hingora was kidnapped and confined in the house of co-accused Ranjeet Singh, but was released after realizing extortion money, upon which, on such information, a raid was led in the house of co-accused Ranjeet Singh, from where cash of Rs. 30,500/-, visiting card of Suhail Hingora, SBI passbook, two ATM cards, two mobile and other articles were recovered. It was also alleged that victim Suhail Hingora was



kidnapped on 29.10.2013 and was kept confined and was released only after realizing extortion money. It was also alleged that the offence was committed by an interstate gang.

Petitioner is not named in the FIR. Name of the petitioner has transpired in the confessional statement of co-accused Dabloo Singh. Submission is that the confession of the co-accused before the police is not substantive evidence, as per Section 25 of the Evidence Act. It is further submitted that the victim has not said anything about the complicity of the petitioner. Similarly situated co-accused Sonu Singh has already been granted bail by a coordinate Bench of this Court, vide order dated 19.02.2021 passed in Cr.Misc. No. 56782 of 2019, whereas, two other co-accused namely Rakesh Kumar Singh @ Dimpu Singh and Anil Kumar Ram @ Anil Singh have been granted bail by the court below itself, vide orders annexed as Annexure 2 to the petition. Petitioner is in custody since 17.03.2020.

Learned A.P.P. for the State has opposed the bail petition.

Considering the aforesaid facts and circumstances, the bail petition of petitioner is allowed. Let the above named petitioner be released on bail on furnishing bail-bond of Rs.



10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 7th, Saran at Chapra in connection with S.Tr.No. 151 of 2020, arising out of Nayagaon P.S. Case No. 111 of 2013, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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