

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29480 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- SINGHWARA District- Darbhanga

AMARENDRA KUMAR SINGH Son of Rameshwar Prasad Singh Resident
of Village- Gorigama, P.S.- Minapur, District- Muzaffarpur.... ... Petitioner/s
Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dhananjai Kumar Singh,Adv
For the Opposite Party/s	:	Mr.Shyam Kumar Singh, APP
For the Informant	:	Mr. S.N. Asraf, Adv

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 15-01-2021 Heard the parties.

Petitioner seeks bail in a case registered for the offences punishable under Section 364(A) of Indian Penal Code.

The FIR, of the occurrence of kidnapping, for ransom, of the son of the informant, was lodged against unknown on 06.01.2020. The case diary would reveal that the petitioner was abruptly arrested by the police on 20.03.2020 at 10.00 P.M. without any material against the petitioner before arrest and his confession was recorded on the same day at 12.00 A.M. wherein the petitioner admitted his involvement in the kidnapping alongwith others. It is said that on the disclosure by the petitioner, the victim was recovered.

Learned counsel for the petitioner submits that the petitioner was bearing some criminal cases of the year 1999, 2001 and 2006 as he was a petty contractor and on the basis of



criminal records in the police station, the petitioner was arrested in this case without any material against the petitioner till the date of arrest. Thereafter the police recorded an inculpatory statement and the victim boy was recovered on 21.03.2020. In his statement under Section 164 Cr.P.C. recorded on 21.03.2020 itself, the victim specifically named other co-accused persons, as the person who was driver, who had thrashed the victim into the vehicle or who has injected some stupefying medicine but the name of the petitioner does not appear therein. However, due to police atrocity, in the statement under Section 161 Cr.P.C., the victim named this petitioner also. The petitioner was identified in T.I. Parade on 28.05.2020, though he was in custody since 21.03.2020 and victim was already recovered on 21.03.2020. In the meantime the petitioner was being produced before the Magistrate and everyone had occasion to see the petitioner and identify. Therefore, evidently, there is no substantial material against the petitioner, who is in custody since 21.03.2020. Investigation of the case is already complete. Petitioner is ready to cooperate with the trial. There is nothing to say that the petitioner is going to tamper with the evidence.

On the other hand, learned counsel for the informant contends that some other co-accused have been refused bail by



different Coordinate Benches of this Court. Moreover, allegation against the petitioner is very serious at least to the extent that on disclosure of the petitioner, the victim was recovered. In fact, the petitioner and others are running a Gang of kidnappers for ransom. Therefore, the petitioner does not deserve protection of bail.

The case of the petitioner is distinguishable from those accused to the extent that when the petitioner was arrested by the police, there was (i)no material against the petitioner, (ii)confession before the police while in police custody cannot be proved in view of the bar under Sections 25 and 26 of the Evidence Act and (iii) the victim, on recovery in his statement under Section 164 Cr.P.C., did not name this petitioner as culprit.

The T.I. Parade for the purpose of consideration of prayer for bail of undertrial prisoner does not inspire confidence as it was done after two months of custody of the petitioner and in the meantime the petitioner would have been produced before the Magistrate for remand and there is chances of the petitioner being identified by anyone before T.I.P.

Considering the aforesaid fact, further detention of the petitioner is not needed as undertrial prisoner, hence let the



petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Singwara Police Station Case No.02 of 2020 with following conditions:

(a) Both the bailors shall be resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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