

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38132 of 2020

Arising Out of PS. Case No.-264 Year-2020 Thana- LAHERIMUHALLA District- Nalanda

Neeraj Kumar, aged about 21 years, male, son of Late Laxmi Prasad, Resident of Mahalla - Shivaji Colony, Ramchandarpur, P.S. - Laheri, District - Nalanda at Biharsharif

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Mishra
For the Opposite Party/s : Mr.Satya Nand Shukla,APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 22-03-2021 Heard learned counsel for the parties.

The petitioner seeks bail in Laheri P.S. Case No. 264 of 2020, registered for the offence under Sections 364/120(B) of the Indian Penal Code.

As per the prosecution case, the husband of the informant was called on mobile on 17.07.2020 at about 5.30 PM to come on his shop, thereafter, the informant's husband left the house on his scooty and when he did not return, the informant made several calls on his mobile and on the same date at about 7.30 PM, the victim (informant's husband) told the informant on mobile that he had been kidnapped at the point of pistol and the accused persons took him on one Maruti Suzuki car, bearing reg. no. BR21K-4634 and kept him in secret place.

Petitioner is not named in the First Information Report. The name of petitioner has surfaced on



the basis of confessional statement of co-accused Chiku Kumar. It is further submitted that in the statement recorded under Section 164 of the Cr.P.C., the victim has not named this petitioner. Only material, that has come during course of investigation against this petitioner, is that the car of the petitioner, bearing registration no. BR21G-9727, was also used in the aforesaid crime. It is further submitted that in the FIR, the informant has stated that one car, bearing reg. no. BR21K-4634, was used in the kidnapping, whereas, in the statement recorded under Section 164 Cr.P.C., the victim has alleged that two cars were used including the car of the petitioner in the aforesaid crime. Save & except this, there is no other material against this petitioner. Petitioner has got clean antecedent and he is in custody since 19.07.2020. Chargesheet has already been submitted.

However, learned A.P.P. for the State has vehemently opposed the bail application.

Considering the fact that there is apparent discrepancy in FIR and in statement recorded under Section 164 Cr.P.C. with regard to number of vehicles used in the offence and the fact that only material that has come against this petitioner is that his vehicle was used in the aforesaid crime coupled with the fact



that petitioner has got clean antecedent and he is in custody since 19.07.2020, the bail application 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 Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Laheri P.S. Case No. 264 of 2020, 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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