

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38617 of 2020

Arising Out of PS. Case No.-325 Year-2020 Thana- GOPALGANJ TOWN District-
Gopalganj

-
1. KAUSHAL KUMAR YADAV S/o Ramesh Chaudhary R/o village- Lakdi Kilgadh, P.S.- Barhariya, District- Siwan
 2. DHARMENDRA PRASAD S/o Gulab Chandra Prasad R/o village- Lakdi Kilgadh, P.S.- Barhariya, District- Siwan
 3. RIJAWAN AHMAD @ MOHAMMAD RIZWAN S/o Mohammad Kudush R/o village- Jangalia, P.S. and District- Gopalganj
 4. NIRAJ DIXIT @ NIRAJ KUMAR DIXIT S/o Bipin Dixit R/o village- Kukurbhukka, P.S. and District- Gopalganj

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Ashish Giri, Adv.
For the Opposite Party/s	:	Mr. Ram Priya Sharan Singh, APP
For the Informant	:	Mr. Ravindra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 17-04-2021 Heard Mr. Ashish Giri, learned counsel for the petitioners and Mr. Ravindra Kumar Singh, learned counsel for the informant. The State is represented by Mr. Ram Priya Sharan Singh, learned APP.

The petitioners seek bail in anticipation of their arrest in connection with Gopalganj Town P.S. Case No. 325 of 2020 instituted for the offence under Sections 364/34 of the Indian Penal Code.

The accusation in the First Information Report is



that the younger brother of the informant was kidnapped when he had gone to visit a land which is said to be under dispute.

Learned counsel for the petitioners has submitted that from the perusal of the First Information Report itself, it would appear that though the F.I.R has been lodged by the brother of the victim but it has been signed by the victim himself.

However, the informant in his further statement, has come up with an excuse that out of nervousness and mistake, he wrote the name of his brother instead of appending his own signature on the First Information Report.

The victim is said to have been recovered and has named the petitioners also.

Learned counsel for the petitioners however has submitted that an absolutely false case has been lodged against the petitioners. In fact, there is a dispute over the land in question and there was an earlier case also against the informant and others. Some of the accused persons of this case who were arrested have been granted bail by the



court below.

Petitioner nos. 2, 3 and 4 are persons of clean antecedents whereas the petitioner no. 1 has been made accused in a case earlier in point of time, namely, Gopalganj Town P.S. Case No. 512 of 2020 dated 06.09.2020 instituted for the offences under Sections 307, 120(b)/34 of the Indian Penal Code.

The learned counsel for the informant has however has submitted that the victim after his recovery has named the petitioners and the vehicle which has been seized belongs to petitioner no. 1.

Considering the afore-stated facts, the prayer for anticipatory bail of petitioner no. 1 /Kaushal Kumar Yadav is rejected.

In case, the petitioner no. 1 surrenders before the Court below and seeks bail, that petition shall be considered on its own merits without being prejudiced by the fact that the present petition on his behalf has not been entertained.

So far as the petitioner nos. 2, 3 and 4 are concerned, taking into account the general and omnibus



allegation against them, their clean antecedents and pending of a dispute between the parties, they are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj, in connection with Gopalganj Town P.S. Case No. 325 of 2020, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashutosh Kumar, J)

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