

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 3853 of 2021**

Arising Out of PS Case No.-198 Year-2018 Thana- BIHARSHARIF District- Nalanda

Md. Chhotu, Male, aged about 29 years, Son of Late Kamal, Resident of Village - Chainpura, PS - Bihar, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kishore Prasad, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 23-06-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Raj Kishore Prasad, learned counsel for the petitioner and Mr. Jharkhandi Upadhyay, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Bihar PS Case No. 198 of 2018 dated 07.05.2018, instituted under Section 364A of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 11.12.2019 passed in Cr. Misc. No. 46063 of 2019.

5. Learned counsel for the petitioner submitted that though there is allegation that from two mobile phones call for



ransom was made, but only one mobile phone belongs to him and not the other. It was submitted that the kidnapped boy has also been recovered and the petitioner is in custody since 12.05.2018. Learned counsel submitted that similarly situated co-accused Md. Amir has been granted bail by a co-ordinate Bench by order dated 16.09.2020 in Cr. Misc. No. 2705 of 2020. Learned counsel submitted that even the informant has become hostile in the trial which clearly shows that there is false implication.

6. Learned APP submitted that the mobile of the petitioner was used for making the ransom call which is enough proof to show his complicity. Further, it was submitted that even the informant in her deposition before the Court has reiterated that the ransom call was made from the mobile phone of the petitioner. Learned counsel submitted that the stand that the petitioner is similarly situated to co-accused Md. Amir, who has been released on bail, is also not correct as in the order itself, it has been mentioned that the argument was that the mobile number from which call for ransom was made did not belong to him. It was submitted that this is a major difference in the case as far as the two persons are concerned and most importantly, the petitioner carries criminal antecedent and is accused in at least five other



cases under serious sections of the Indian Penal Code including Sections 307, 392 and 364A as also the Arms Act, 1959.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that there are no mitigating circumstances since the order dated 11.12.2019, for granting bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. In view of the fact that some witnesses, including the informant, have been examined, let the Court below expedite the trial and conclude the same at the earliest preferably within one year.

10. Registry shall communicate the order to the Court below forthwith.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

