

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.9127 of 2021**

Arising Out of PS. Case No.-241 Year-2017 Thana- SARAIYA District- Muzaffarpur

Chandan Kumar @ Ghanshayam Thakur @ Ghan Shyam Thakur Son of  
Naresh Thakur Resident of Village- Mani Bhakurahar, Sarai, P.S.- Sarai,  
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Arvind Kumar, Adv.

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

3      26-07-2021

In view of sudden resurgence of COVID-19 infection  
there is limited functioning of the High Court and therefore the  
matter has been listed for consideration through virtual mode.

Heard learned senior counsel for the petitioner and the  
learned APP for the State.

This Court would expect that the petitioner's Counsel  
would honour his undertaking in the instant proceedings  
regarding supply of requisite court fee etc. within two weeks  
from the date he is called upon to do so by the office.

Petitioner seeks bail in Saraiya P.S. Case No.241 of  
2017 registered under Sections 363, 364(A) of Indian Penal  
Code.

The prosecution case is that the informant's son had  
gone to the market on 19.06.2017, but he did not return. A call



thereafter has been received, demanding five lacs rupees ransom. The FIR is against unknown persons.

Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in this case. The informant's son was recovered as per the material in the investigation while he was loitering around and not from this petitioner.

It is further submitted that in the investigation, material has come to suggest that informant had taken a loan from the petitioner. To overcome the said liability, it is submitted that the case has been lodged and the petitioner has been implicated. The allegation of demand for ransom has not been verified as no CDR has been considered during the course of investigation. Further it is submitted that there is variation in the statement of the victim recorded under Section 161 and 164 Cr.P.C. It is further submitted that the informant has filed a petition (Annexure-2) in the court below stating that she does not wish to proceed with the prosecution as the parties have come to a compromise. The petitioner under such circumstances is in custody since 23.09.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and



circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM,IVth, West Muzaffarpur in Saraiya P.S. Case No.241 of 2017 , subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

Prakash Narayan /-

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