

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9534 of 2021

Arising Out of PS. Case No.-268 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

JALESWAR SINGH @ BINIT MOURYA Son of Late Hari Nandan R/o
Village- Kekadha, P.S.- Mohania, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 18467 of 2021

Arising Out of PS. Case No.-268 Year-2020 Thana- MOHANIYA District- Kaimur (Bhabua)

RAMESH RAM S/o Laxman Ram Resident of Village- Mujan, P.s.- Mohania,
District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9534 of 2021)

For the Petitioner/s : Mr.Tribhuwan Narayan

For the Opposite Party/s : Mr.Arun Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 18467 of 2021)

For the Petitioner/s : Mr.Chandra Mohan Jha

Mr.Rakesh Kumar Mishra

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-09-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner in Cr. Misc. No.18467
of 2021 undertakes to remove the defects within four weeks of
resumption of normal court proceeding. In the eventuality of
non-removal of defects within undertaken period, office will



place the matter before the Bench.

The petitioners seek bail in connection with Mohania P.S. Case No.268 of 2020, corresponding to G.R. No.1690 of 2020, registered for the offence punishable under Section 365 of the Indian Penal Code. Later on section 302, 201/34 IPC was added.

The crux of the prosecution story as alleged in the FIR is that the son of the informant has been kidnapped by unknown culprits.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. They have been falsely implicated in this case due to ulterior motive and on the instance of enemies. They are not named in the FIR and on their name transpired in the case on the basis of confessional statement of co-accused namely Amitabh Bachan Bharti. No incriminating article has been recovered from the conscious physical possession of the petitioners. Similarly situated co-accused persons have been granted bail by this Court and co-ordinate Bench of this Court. The petitioners have no criminal antecedent and have been languishing in custody since 11.9.2020.

Learned APP for the State opposed the prayer for bail and



submits that in para-46 of the case diary, there is specific allegation against the petitioner Jaleshwar Singh @ Binit Mourya that he assaulted the son of the informant by a big stone again and again. Allegation against Ramesh Ram is that he and one Suresh Ram held the hand and feet of the informant's son to block him from saving himself.

Considering the facts and circumstances of this case, I am not inclined to grant bail to the petitioners.

Both the bail applications are hereby dismissed.

However, petitioners are at liberty to renew the prayer for bail after framing of charge.

(Anjani Kumar Sharan, J)

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