

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3624 of 2022

Arising Out of PS. Case No.-182 Year-2021 Thana- ADAPUR District- East Champaran

Nishant Kumar @ Dabloo Son of Sri Rampukar Singh R/O Village-
Ghorasahan, P.S.- Adapur (HARPUR), District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 6295 of 2022

Arising Out of PS. Case No.-182 Year-2021 Thana- ADAPUR District- East Champaran

Subhan Ansari Son of Kari Mian @ Kari Ansari Resident of Village-
Ghorasahan, P.S.- Harpur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3624 of 2022)

For the Petitioner/s : Mr.Umesh Chandra Verma

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

(In CRIMINAL MISCELLANEOUS No. 6295 of 2022)

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Umesh Lal Verma

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 20-09-2022

Cr. Misc. No. 3624 of 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Adapur



P.S. Case No. 182 of 2021 registered for the offence under Sections 363 and 365 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 24.07.2021.

The allegation against the petitioner is to kidnap the son of informant for ransom, who was subsequently murdered.

Learned counsel appearing on behalf of the petitioner submitted that the name of the petitioner involved in the present case due to local differences. It is also submitted that dead body of the victim is yet to be recovered, in furtherance of confessional statement, to suggest complicity of petitioner. It is further submitted that petitioner was not even identified by the care-taker of the house, where victim was put in detention. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, submitted that witnesses, specifically, stated during the course of investigation that victim was taken on motorcycle by petitioner and other co-accused persons, while he was playing in



the garden. It is also submitted that this is not a case of mere “last seen” as the eye witnesses, specifically, stated regarding overt act of the petitioner, as how victim was kidnapped for undisclosed destination by this petitioner along with other co-accused persons.

Considering the facts and circumstances as mentioned above, as eye witnesses supported the allegation against this petitioner to kidnap son of the informant, aged about twelve years' old, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, prayer of bail of the petitioner is rejected herewith.

Learned Trial Court is directed to proceed with the matter, by taking it on board, on daily basis, so as trial may conclude within a period of nine months.

Superintendent of Police, East Champaran (Motihari) is directed to produced the charge-sheeted witnesses, as and when directed by the Trial Court/Special Court, for expeditious disposal of trial, within a period of nine months, as provided under law, mentioned above.

Cr. Misc. No. 6295 of 2022



Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Adapur P.S. Case No. 182 of 2021 registered for the offence under Sections 363 and 365 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 24.07.2021.

The allegation against the petitioner is to kidnap the son of informant for ransom, who was subsequently murdered.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Satendar Mahto and also on the basis of self-confession, where in furtherance thereof, no incriminating material recovered/surfaced against this petitioner which may connect him, *prima facie*, with present set of kidnapping and murder. It is further submitted that none of the eye witnesses, during the course of investigation, suggests that petitioner was involved in kidnapping rather the same is specific against other co-accused persons. It is further submitted that the care-taker of the house, where victim was put under



detention, also failed to identify this petitioner. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the eye witnesses did not named this petitioner, as kidnapper.

Considering the facts and circumstances as mentioned above, as save and except confession of co-accused, nothing incriminating surfaced/recovered during the course of investigation which may connect this petitioner, *prima facie*, with present set of allegation/occurrence coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Adapur P.S. Case No. 182 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Raxaul, East Champaran at Motihari/concerned court, subject to the following conditions:

“(i) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the



trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(ii) That one of the bailors shall be Bablu Singh, who is the brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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