

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7005 of 2022

Arising Out of PS. Case No.-636 Year-2021 Thana- PATRAKARNAGAR District- Patna

Rajan Kumar Son of Gandhi Paswan Resident of SARbarpur, Bandhu Bigha,
Police Station- Bandhu Bigha, District - Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 10-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP 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 Patrakar
Nagar P.S. Case No. 636 of 2021 registered for the offence
under Section 364(A) of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 15.11.2021.

The allegation against the petitioner is to kidnap the
father of the informant for ransom.

Learned counsel appearing on behalf of the petitioner
submitted that the entire allegation is based upon the hearsay
input, as provided to the informant of this case, by his brother,



interestingly, who had not been examined during the course of investigation. It is submitted that no statement of victim, who is the father of the informant, was ever recorded, whose appearance was just after two hours of the alleged kidnapping. It is further submitted that, admittedly, petitioner was working with the victim/father of the informant and was implicated falsely in the present case, due to difference between the two brothers, where informant is one of them. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, fairly conceded the fact that statement of victim was not recorded during the course of investigation.

In view of the facts and circumstances, as mentioned above, as the entire allegation is based upon the hearsay input of brother of the informant, who had not been examined during the course of investigation coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Patrakar



Nagar P.S. Case No. 636 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 Additional Chief Judicial Magistrate-VIII, Patna/concerned Court, subject to the conditions as laid down u/s 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Ankit/-

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