

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.17624 of 2021**

Arising Out of PS. Case No.-296 Year-2020 Thana- TEGHRHA District- Begusarai

SUSHIL MOCHI @ SUSHIL RAM Son of Naresh Ram Resident of Village -  
Dariyapur, P.S.- Nayagaon, Distt.- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                             |
|--------------------------|---|-----------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Yogesh Chandra Verma, Sr. Advocate<br>Mr. Sandip Kumar Gautam, Advocate |
| For the Opposite Party/s | : | Mr. Ashish Kumar, Advocate<br>Mr. T.P. Verma, Advocate                      |
| For the State            | : | Mr. Prem Kumar Jha, A.P.P.                                                  |

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH  
ORAL ORDER**

11     11-04-2022                      Heard learned counsel appearing on behalf of the  
petitioner, learned counsel appearing on behalf of the informant  
and learned APP for the State.

Let the defect(s) be removed within two weeks of the  
complete start of the physical Court in normal course.

Petitioner, who is in custody since 01.10.2020, seeks  
regular bail in connection with Teghra P.S. Case No. 296 of  
2020 dated 29.09.2020 registered for offences punishable under  
Sections 364 and 365 of the Indian Penal Code.

Prosecution story in brief is that on 29.09.2020 at  
around 4 p.m., informant's son was playing inside the house.  
Co-accused Sachin Kumar had kidnapped the son of the



informant. Upon search, at around 7 p.m. he got information that his son was kidnapped.

Learned Senior Counsel appearing on behalf of the petitioner submits that charge-sheet has already been submitted and the minor boy has returned back to his parental home. His statement under Section 164 Cr.P.C. has been recorded in which he has not made any allegation of sexual assault or physical assault against the petitioner. He further submits that it is Sachin Kumar, who is the brother-in-law of the present petitioner and neighbour of the informant had kidnapped the son of the informant. Merely, the boy was recovered from the house of the petitioner and in want of any material available in this regard, allegation of kidnapping is not made against the present petitioner. It would appear from the case diary that there is no material to connect the phone number mentioned in the FIR was ever indulged in making demand of ransom from the informant. The informant was also knowing the phone number of the petitioner which has lead into giving the same in the FIR. No CDR report has been collected in course of investigation to connect the petitioner that he has made any demand of ransom from the informant.

Learned counsel appearing on behalf of the informant



has vehemently opposed the prayer for grant of bail to the petitioner. He submits that minor boy was recovered from the house of the present petitioner and he is the one who had made ransom call from the phone number belonging to him mentioned in the FIR. There is direct allegation against the petitioner as such petitioner does not deserve to be released on bail.

Learned A.P.P., for the State has supported the submission made by the learned counsel for the informant. Though, he has referred to certain paragraphs of the case diary and submitted that no CDR report has been collected in course of investigation till case diary has been received.

Considering the aforesaid facts and circumstances of the case, the victim has already been recovered who, in his statement under Section 164 Cr.P.C., has not made any allegation that he was tortured or sexually assaulted by the present petitioner, there is no material available on record to connect the petitioner that he has made demand of ransom. Prima facie petitioner has made out a case to be released on bail.

The Court below is directed to release the petitioner above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Begusarai in connection with Teghra P.S. Case No. 296 of 2020 dated 29.09.2020 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

**(Purnendu Singh, J)**

Niraj/-

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