

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13569 of 2022

Arising Out of PS. Case No.-315 Year-2021 Thana- WARISLIGANJ District- Nawada

SIPU @ SINTU KUMAR @ PRAMOD KUMAR Son of Jitan Prasad
Resident of Village - Dumrawan, P.S. Deepnagar, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 15232 of 2022

Arising Out of PS. Case No.-315 Year-2021 Thana- WARISLIGANJ District- Nawada

CHITRANJAN KUMAR @ RAJU S/o- Suresh Prasad Resident of Village -
Gotrayan, P.S. - Warisaliganj, Distt.- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 13569 of 2022)

For the Petitioner/s : Mr.Rudal Singh

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

(In CRIMINAL MISCELLANEOUS No. 15232 of 2022)

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 12-09-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Both the petitions arise out of the same police station

case number and as such they are taken up together and are

being disposed of by this common order.



Petitioners seek regular bail in Warisaliganj P.S Case No. 315 of 2021 registered for the offence punishable under Section 364A of the Indian Penal Code.

As per the allegation made in the FIR informant's son namely Raj Patel aged about 18 years and other victim namely Avinash Kumar aged about 17 years left their houses and thereafter the informant received a mobile communication through which a ransom demand of rupees 20 lakh was made by using the informant's son mobile phone and then informant suspected that both the victims had been kidnapped by some unknown persons.

The main submissions advanced by learned counsel Sri Rudal Singh appearing for the petitioner- Sipu @ Sintu Kumar. are that this petitioner is not named in the FIR, both the so called victims have come back and have recorded their statements under section 164 Cr.P.C in which they have not disclosed the name of this petitioner and after arrest the petitioner has not been put on test identification parade, in fact the instant case relates to love affairs between the victims and a girl and the petitioner has been languishing in jail since 29.08.2021, and similarly situated co-accused persons, namely, Praduman Kumar @ Jairam Kumar and Kundan Kumar @



Rajesh Kumar have been granted bail vide order passed in Cr. Misc. no.19657/2022 and Cr. Misc. no.17366/2022.

Learned counsel Mr. Pankaj Kumar appearing for the petitioner- Chitranjan Kumar @ Raju submits that this petitioner is also not named in the FIR against him victims have not disclosed his role in the alleged kidnapping in the statement made before Judicial Magistrate and this petitioner has also not been put on test identification parade after his arrest in the instant case and he has got no criminal antecedent.

Sri Sanjay Kumar Sharma and Sri Bharat Lal, learned APPs appearing for the State have opposed the prayer for bail.

Having regard to the facts and circumstances of this case mainly taking into account the facts that both the victims have been recovered and they have recorded statements before Judicial Magistrate in which they have not disclosed the identity of both the petitioners and there is contradiction in between the statements of both the victims and as per the case diary the prosecution's case is mainly based on electronics evidence i.e. call details and similarly situated two co-accused persons are on bail granted by a co-ordinate bench of this Court vide order passed in aforementioned criminal miscellaneous cases and as per the above statements both the petitioners have not been put on test identification parade after they were taken



into custody in the instant case while as per the statements of the victims recorded before the Judicial Magistrate the co-accused persons did not hide their identity from the victims after committing the alleged occurrence of kidnapping, in the opinion of this Court both the petitioners deserve to the privilege of bail.

Accordingly, both the petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate II, Nawada/ concerned court in Warisaliganj P.S Case No. 315 of 2021.

(Shailendra Singh, J)

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