

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25359 of 2021

Arising Out of PS. Case No.-490 Year-2020 Thana- CHAPRA TOWN District- Saran

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Vinod Kumar Rai @ Vinod Rai Son Of Arjun Rai Resident Of Village - Bara
Telpa, Taxi Stand, Chapra, P.S.- Chapra Town, Distt.- Saran At Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kumar Yadav, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

7 28-01-2022 The applicant/accused in Crime No. 490 of 2020 registered with Chapra Town Police Station, giving rise to S.T. No.1 of 2021, for the offences punishable under Sections 363/364/120B of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial.

Heard the learned counsel appearing for the applicant/accused. He argued that the applicant is behind bar from 06.09.2020. It is further argued that co-accused named Sonu Ray having similar role is already directed to be released on bail by a coordinate Bench of this Court vide order dated 16.09.2021 passed in Cr. Misc. No.35701 of 2021. It is further argued that after the incident many other persons are arrayed



as accused in this case and they all were granted bail by different coordinate Benches of this Court. Therefore, the applicant is also entitled to be released on bail.

As against this, the learned Additional Public Prosecutor relying on the order dated 12.03.2021 passed by a coordinate Bench of this Court in Cr. Misc. No.40054 of 2020, opposed the bail application by contending that the co-accused with much lesser role in the subject crime is denied bail by a coordinate Bench of this Court and this fact was not pointed out to the Court while granting bail to the co-accused named Sonu Rai. It is further argued by the learned Additional Public Prosecutor that name of the applicant is figuring in the FIR and major role is attributed to him. It is further argued that the missing son of the first informant is not yet traced-out.

I have considered the submissions so advanced and also perused the materials placed before me including the case-diary of the subject crime. I have also perused the orders passed by the coordinate Bench of this Court mentioned by the parties.

The FIR of the subject crime is lodged by Dudhnath Singh on 05.09.2020. It is averred by him that at about 7:00 to 8:00 PM of 03.09.2020, the present applicant Vinod Rai



along with co-accused Sonu Rai (the accused who is directed to be released on bail by a coordinate Bench of this Court vide order dated 16.09.2021 passed in Cr. Misc. No.35701 of 2021) came to his house and took his younger son Sujit Kumar for participation in the party. It is further stated that Sujit Kumar accompanied the applicant and co-accused Sonu Rai did not return home throughout the night. The first informant further reported that on the next day he went to the house of the applicant and questioned the applicant regarding whereabouts of his son Sujit Kumar. Upon that, the applicant informed him that Sujit Rai had gone for selling the coal. The first informant stated that throughout the day, despite search, his son could not be traced-out. It is further reported that on the next day, i.e., 05.09.2020, he again went to the house of the applicant for searching his son but the applicant was not found present in the house and inmates of his house refused to divulge anything. With this the first informant suspected that his son Sujit Kumar came to be abducted by the present applicant and co-accused Sonu Rai. According to the first informant, at about 3:00 PM of 05.09.2020, co-accused Rahul Rai had informed him that his son Sujit Kumar has been killed. This co-accused Rahul Rai is denied bail by a coordinate Bench of



this Court vide order dated 12.03.2021 passed in Cr. Misc. No.40054 of 2020 with reason that the Call Detail Record shows that Rahul Rai was talking with the co-accused, at the time of the incident, on phone and he has criminal antecedent.

So far as the only order of co-accused Sonu Rai is concerned the only reason which can be found in the order passed by the coordinate Bench of this Court on 16.09.2021 is to the effect that “..... considering the facts of the case and the period of custody of the petitioners, let the petitioners, above named, be released on bail”

Needless to mention that co-accused Sonu Rai is released on bail without any reasoned order and as such principle of parity is not applicable to the case in hand.

The first informant has attributed specific role to the applicant in abduction of his son Sujit Kumar who is not yet traced-out.

Hence, considering the facts and circumstances of the instant case and conduct of the applicant in disclosing to the first informant that Sujit Kumar had gone for selling the coal, **no case for grant of bail to the applicant/accused is made out.** The application is accordingly rejected.

The applicant to remove all office objections



forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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