

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38739 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- RAMGARH District- Kaimur (Bhabua)

VISHWAMITRA TIWARY @ BHWAMITRA TIWARY Son of Shyam
Narayan Tiwary Resident of Village - Birpur, P.S.- Bhawancal, District -
Gazipur (U.P.).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Binod Kumar-II, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 22-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Learned counsel appearing on behalf of petitioner is
directed to make necessary correction in the cause title of the
present bail application relating to the misprint of the age of the
petitioner. In this regard, petitioner has also filed supplementary
affidavit an in paragraph No. 2, he has made specific statement
that petitioner is aged about 62 years as per Aadhar Card.

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

The petitioner seeks regular bail in connection with
Ramgarh P.S. Case No. 16 of 2021, for the offence punishable
under Sections 363 and 364 of the Indian Penal Code
subsequently converted to offence under Section 364(A) and



120(B) of the Indian Penal Code.

The prosecution case, in brief, is that on 13.01.2021, the informant Ashok Kumar Pandey was at his home, two unknown persons came there, who claimed to be residents of Vidamanchak, and discussed his engagement for Grihpravesha Puja. In the meantime, the barber of the villager arrived on which the informant got engaged him in shaving. Those two persons asked about the location of some shop from 13 years son of the informant, namely, Priyanshu Kumar Pandey and took him for showing the location. After sometime, when his son did not return the informant along with others started searching him, but he could not find. The neighbours told him that they had seen his son with two unknown persons on motorcycle, who had visited him earlier. The informant raised suspicion that his son was kidnapped by those unknown persons.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner has been roped in the present case simply because the alleged kidnapped son of the informant was found in the house of the petitioner, but in the statement of the victim recorded under



Section 164 of Cr.P.C. he has named two unknown persons, but he has not taken the name of the petitioner.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case, the petitioner has not been named by the victim regarding his kidnapping neither the telephone, which has been mentioned in the F.I.R. on which the demand of ransom has been made, also does not belong to the petitioner, prima facie the petitioner has made out a case to be released on bail, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs. 25000/- (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-I, Kaumur at Bhabua in connection with Ramgarh P.S. Case No. 16 of 2021, subject to the following conditions:-

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

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

(3) 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.

(4) 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 bonds.

(Purnendu Singh, J)

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