

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39100 of 2021

Arising Out of PS. Case No.-111 Year-2013 Thana- NAYAGAON District- Saran

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Dharam Nath Singh @ Dharma @ Dharma Singh S/o Rana Singh R/o
Village- Mathura, P.S.- Bidupur, Dist- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rina Sinha, Advocate
For the Opposite Party/s	:	Mr. Arvind Kumar Pandey, APP
For the Informant	:	Mr. Harshvardhan Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-11-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel 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 Nayagaon
P.S. Case No. 111 of 2013 registered for the offence under Sections
364(A), 201(B) and 212 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in
custody since 02.11.2018.

The allegation against the petitioner is to kidnap a
businessman, alongwith other co-accused persons, who released after
payment of ransom money.

Learned counsel appearing on behalf of the petitioner
submitted that the name of petitioner surfaced on the basis of



confessional statement of co-accused, namely, Gautam Kumar, where nothing surfaced during the course of investigation to connect this petitioner, *prima facie*, with present set of occurrence/kidnapping. It is submitted that the name of petitioner surfaced in this case only on the basis of suspicion arises due to his criminal antecedents, as he found involved in 10 criminal cases, where he is on bail in 8 cases, where in maximum of case, the name of petitioner surfaced on the basis of confessional statement, having otherwise no bearing over the merit of present case. It is also pointed out that as Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand) deposited in the account of petitioner at the time of occurrence, it cannot be presumed that the said amount was received out of ransom money. It is submitted that several similarly situated co-accused persons have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 3041 of 2015 vide order dated 04.11.2015. While concluding the argument, it has been submitted that investigation has been completed long-back, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, fairly conceded that petitioner was not named in F.I.R.

Considering the facts and circumstances as mentioned above, as no incriminating surfaced/recovered during the course of



investigation to connect this petitioner, *prima facie*, with present set of occurrence, where petitioner is in custody since 02.11.2018 coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Nayagaon P.S. Case No. 111 of 2013 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VII, Saran at Chapra/concerned court, subject to the following conditions:

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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