

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39469 of 2021

Arising Out of PS. Case No.-642 Year-2020 Thana- LAKHISARAI District- Lakhisarai

Raushan Kumar, S/O Parmanand Yadav R/O Village- English Ward No. 04,
P.S.- Lakhisarai, District- Lakhisarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S. K. Lal- Advocate Mr. Rabi Bhushan- Advocate
For the State	:	Mr. Surendra Prasad Singh- A.P.P.
For the Informant	:	Mr. Chandra Sen Prasad Singh- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 27-06-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections
364(A), 379, 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that his cousin brother Manish Kumar came on
19.12.2020 and disclosed that he along with Sudhir Sao after
taking their admit cards were going home when at about 7.00
P.M., one Scorpio car stopped and asked that “are you Sudhir”
on which he disclosed “Yes”. Thereafter, the accused persons
abducted both of them. It is next alleged that after some



distance, they released Manish Kumar on coming to know that he had to appear in an examination of police. Further, disclosed that Sudhir Sao was taking name of Raushan Kumar (petitioner) and Gore Lal Yadav. It is next alleged that they were demanding Rs.70 Lacs or else otherwise he would be killed. It is next alleged that Sudhir Sao does the work of sale and purchase of land and further stated that Sudhir Sao was tensed for the last 2-3 days as he used to tell that Raushan Kumar and Gore Lal Yadav are demanding their Rs.70 Lacs under threat. Further alleges that Sudhir Sao disclosed that an agreement worth Rs.30 Lacs have been entered in between him and Raushan Kumar. Thus, alleges that petitioner along with Gore Lal Yadav had abducted his brother with an intention to kill.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the informant very cleverly has tried to falsely implicate the petitioner, who is a person with clean antecedent and is a young boy of 24 years of age doing business. It is next submitted that it absolutely does not stand to reason that when the accused persons including the petitioner had abducted Sudhir Sao and Manish Kumar and were demanding extortion in presence of Manish Kumar in the



vehicle, then why they would release Manish Kumar and create evidence against themselves, so that he goes and discloses that Sudhir Sao has been kidnapped by the accused persons and the accused persons are demanding ransom. It is next submitted that it also defies all logic, wisdom and reasonable human behaviour that the accused persons after coming to know that Manish Kumar had heard that Sudhir Sao was taking name of Gore Lal Yadav and petitioner would have released him after knowing that he was to appear in an examination to be conducted for police and thus create further evidence against themselves.

The learned counsel further submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that it prima facie shows that Sudhir Sao was known to the petitioner and Gore Lal Yadav. It is next submitted that the informant has disclosed that there was an agreement between Sudhir Sao and Raushan Kumar for amount of Rs.30 Lacs and Sudhir Sao was a property dealer. The learned counsel submits that in order to coerce the petitioner into submission that he does not demand his money back, the informant has falsely and very intelligently roped the petitioner in the present case. The learned counsel at the cost of repetition submits that it absolutely defies all logic, wisdom and reasonable criminal behaviour that a criminal, who



intends to commit a crime would leave evidence against himself by releasing Manish Kumar. It is next submitted that victim in his statement recorded under Section 164 of the Cr.P.C. does not even remotely suggest that ransom was being demanded from him.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application. The learned counsel for the informant submits that from perusal of the case diary, it would manifest that the victim was recovered by the police and thereafter, his statement was recorded under Section 164 of the Cr.P.C. wherein he has stated against the petitioner that in itself shows that the petitioner was involved in the present occurrence, but is not able to meet the submission made by the learned counsel for the petitioner that as to why the accused persons on coming to know that Manish Kumar was to appear for police examination released him when it is alleged in the F.I.R. that Manish Kumar disclosed that Sudhir Sao was taking the name of petitioner and Gore Lal Yadav. The learned counsel for the informant also is not in a position to rebut the submission of the learned counsel for the petitioner that no criminal would try to leave any evidence against himself, but here Manish Kumar is said to have been released by the accused persons, thus creating



evidence against themselves. Further, the submission of learned counsel regarding 164 of the Cr.P.C. statement is also not rebutted by the learned counsel for the informant.

In view of the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Lakhisarai (Kabaiya) P. S. Case No.642 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

