

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26810 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- KATEYA District- Gopalganj

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Dhananjay Pandey S/o Unkown Resident of Babhani, P.S.- Kateya, District-
Gopalganj (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 30016 of 2022

Arising Out of PS. Case No.-177 Year-2021 Thana- KATEYA District- Gopalganj

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Kamlesh Prasad Gupta @ Kamlesh Prasad Son of Magistar Sah Resident of
Village - Tamkuhiraj, P.S.- Tareya Sujan, District - Kushinagar (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 26810 of 2022)

For the Petitioner/s : Mr. Baijnath Sah, Adv.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

(In CRIMINAL MISCELLANEOUS No. 30016 of 2022)

For the Petitioner/s : Mr. Dhramveer, Adv.

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 06-09-2022 Learned counsel for the petitioner of Cr. Misc. No.

30016 of 2022 has submitted that due to inadvertence, the
statement made in paragraph 1 relating to P.S. Case No. has
wrongly been typed and he seek permission to correct the same.

Permission granted to remove defects as pointed above
in course of the day.

Heard learned counsel for the petitioners and learned
A.P.Ps. for the State.

The petitioners seek regular bail in connection with Kateya P.S. Case No. 177 of 2021 lodged under Sections 386, 387, 302, 120(B)/34 of the I.P.C. read with Section 27 of the Arms Act.

As per the prosecution case, the informant submits that ransom of Rs. 50,00,000/- was demanded from him and he has disclosed 5 names behind demand of said ransom. He also submits that due to fear, he has deposited Rs. 2,50,000/- to one Alkeshwer Mishra to make payment to accused Munna Mishra. The informant further alleged that on 24.05.2021 at about 06:30 A.M., he has visited to his shop. At about 08.00 A.M., his younger brother, namely, Dilip Singh reached on the shop and requested him to return to the house. He submits that he was going to his house and moved only 50 metres, in the meantime, he has heard the sound of fire and identified that on Platina Motorcycle, Munna Sah and Munna Jaiswal was standing and Munna Mishra was coming out of his shop keeping AK-47 in his hand. Accused Dhananjay Pandey has come on Bullet Motorcycle. Informant submits that when he reached to his shop, he has seen that his brother Dilip Singh is injured and he immediately visited to Kateya Hospital where doctor has declared him dead. On this ground, criminal case has been filed against 5 named accused persons.

In the first case, learned counsel for petitioner submits that name of petitioner is figured in the F.I.R. but his specific allegation is upon Munna Jaiswal and Munna Mishra. The accused Dhananjay Pandey was present behind the persons to see them.

In the second case, learned counsel for the petitioner submits that his name was not figured in the F.I.R. but figured in this case by virtue of the confessional statement of Munna Sah @ Munna Jaiswal. He further submits that vide Annexure-3, the said co-accused persons Tuntun Mishra, Alkeshwer Mishra and Harkesh Mishra were granted bail by the Co-ordinate Bench of this Court vide order dated 13.04.2022, 28.02.2022 and 20.04.2022 passed in Cr. Misc. No. 18366 of 2022, Cr. Misc. No. 66633 of 2021 and Cr. Misc. No. 19860 of 2021 respectively.

Learned counsel for the State opposes the prayer for bail. Upon specific query that whether charge has been framed in this case or not, it has been submitted that charge has been framed in this case.

In the present facts and circumstances of this case and the submissions made above, let the petitioners above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each

to the satisfaction of learned Vth Additional and District Session Judge Gopalganj in connection with Kateya P.S. Case No. 177 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioners shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relation with the petitioners.

C. The petitioners shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

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