

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43153 of 2021

Arising Out of PS. Case No.-224 Year-2020 Thana- KOPA District- Saran

SUMAN SINGH Son of Jitendra Singh Resident of Village - Samhauta, P.S.-
Kopa, District - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajani Kumari
		Mr. Vijay Kumar
For the Opposite Party/s :		Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-02-2022 Heard learned counsel for the parties through video conferencing.

Petitioner seeks regular bail in connection with Kopa Police Station Case No. 224 of 2020, Sessions Trial No. 197 / 2021 registered for the offences punishable under Section 364 (A) of the Indian Penal Code.

The prosecution case as per the First Information Report registered on the basis of the fardbayan of one Deepak is that he along with his three friends namely, Harsh, Pravin Kumar and Sudhir Kumar had come to Chapra, Bihar from Haryana and stayed at Raj Hotel, Chapra. It has further been stated that one Hari Bhushan Singh, who was familiar to one of his friends, Sudhir Kumar took the informant and his friends in a swift car to the poultry farm of one Vikash Singh situated in village Samhauta and thereafter they were made captive and all the accused persons, including the petitioner, started demanding ransom from Sudhir Kumar and also assaulted him. It has



further been alleged that the accused persons took Sudhir Kumar with them from the poultry farm. It has further been alleged that thereafter the informant and his two friends any how managed to escape from the poultry farm on the swift car, which was standing outside the poultry farm and reached to Kopa Police Station and informed the police about the occurrence.

Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to some dispute relating to business between the accused persons and the informant. He further submits that there is contradiction between the contents of the First Information Report and the statement of victim / Sudhir Kumar recorded under Section 164 of the Code of Criminal Procedure, 1973. He further submits that in the First Information Report the informant has stated that Sudhir Kumar was kept captive by the accused persons and the informant along with his two friends managed to escape, whereas, in paragraph -12 of the statement of Sudhir Kumar recorded under Section 164 of the Code of Criminal Procedure, 1973, the victim / Sudhir Kumar has stated that his three friends were kept captive by the accused persons in the poultry farm and the victim Sudhir Kumar was allegedly told by



the accused persons to bring his truck loaded with blankets and four accused persons will also accompany the said victim in order to bring the loaded truck. He next submits that the petitioner is in custody since 06.12.2020 having only one criminal antecedent i.e. Kopa P.S. Case No. 101 / 2019 relating to 30 (c) of the Bihar Prohibition and Excise Act , 2016. He further submits that similarly situated co-accused / Guddu Singh has been granted bail by this Court in Cr. Misc. No. 32160 of 2021.

Regards being had to the submissions advanced on behalf of the parties concerned and taking into consideration the materials available on record in its totality, the fact that there is contradiction in the First Information Report and the statement of victim / Sudhir Kumar recorded under Section 164 of the Code of Criminal Procedure, 1973, the petitioner is in custody since 06.12.2020 and similarly situated co-accused has been granted bail by this Court, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Saran at



Chapra in connection with Sessions Trial No. 197 / 2021 arising
out of Kopa Police Station Case No. 224 of 2020.

(Anil Kumar Sinha, J)

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