

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37810 of 2021**

Arising Out of PS. Case No.-451 Year-2020 Thana- BARAUNI District- Begusarai

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KALU @ KALUA @ ROHIT KUMAR S/o- Khalo Ram R/o- Village-
Kharidi, P.S.- Matihani, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 45952 of 2021

Arising Out of PS. Case No.-451 Year-2020 Thana- BARAUNI District- Begusarai

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BACHAN SAH @ BACCHAN SAH S/o Late Bengali Sah R/o village-
Kharidi, P.S.- Matihani, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 37810 of 2021)

For the Petitioner/s : Mr.Shubhesh Pandey, Adv

For the Opposite Party/s : Mr.A.P.P.

(In CRIMINAL MISCELLANEOUS No. 45952 of 2021)

For the Petitioner/s : Mr.Jai Prakash Singh, Adv

For the Opposite Party/s : Mr.Syed Mojibur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-03-2022 Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Heard learned counsel for the petitioners and learned

Additional Public Prosecutor for the State.

A supplementary affidavit, carrying out necessary



correction in the main petition, has been filed on behalf of the petitioner, which is kept on record.

Both the petitions have arisen out of Barauni (Gadhara) P.S. Case No. 451 of 2020 registered for the offences punishable under Sections 364(A), 120(B) of the IPC and accordingly, common order is being passed in both the petitions.

As per the prosecution case, on 22.11.2020 at about 6.00 am, the son of informant had gone to Railway Inter College. At about 6.49 am the informant received call from mobile no. 8340538482 that his son has been kidnapped and also demanded ransom of Rs. one crore leading to registration of FIR against four unknown persons.

Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. They are not named in the FIR. Name of the petitioners has been transpired on the basis of confessional statement of co-accused Raushan Thakur. He further submits that similarly situated co-accused Saurabh Kumar Jha @ Saurabh Jha has been granted bail by a co-ordinate Bench of this court vide order dated 21.10.2021 passed in Cr. Misc. No. 33463 of 2021 and the petitioners are in custody since 15.01.2021 and 24.11.2020 respectively.



The learned Additional Public Prosecutors vehemently opposed the prayer of bail.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Barauni (Gadhara) P.S. Case No. 451 of 2020, subject to the following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the



petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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