

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51033 of 2021

Arising Out of PS. Case No.-453 Year-2020 Thana- BAHERA District- Darbhanga

1. AMAR SINGH @ CHHOTU SINGH @ VEER AMAN SINGH Son of Late Prabhu Singh @ Late Prabhu Narayan Singh Resident of Village - Nanda Patti, P.S.- Bahera, District - Darbhanga
2. Vijay Kumar Kamti @ Kaliya Son of Moti Kamti Resident of Village - Raghunandanpur, P.S.- Bahera, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pankaj Kumar Jha
For the Opposite Party/s	:	Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-05-2022 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek regular bail in connection with Bahera Police Station Case No. 453 of 2020, registered for the offences punishable under Sections 363/365/34 of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that the petitioners along with other accused persons kidnapped the husband of the informant along with his Maruti Alto Car bearing registration No. BR-07AG/6723 on 12.12.2020 at about 8:00 PM.

Learned Counsel for the petitioners submits that the



petitioners have falsely been implicated in this case due to some dispute relating to payment of money inasmuch as the petitioners, who are farmers, have sold food grains to the husband of the informant much prior to the date of occurrence and in order to grab the said money, the petitioners have been implicated in this false case. He further submits that anti-dated First Information Report has been lodged and there is delay in lodging the First Information Report. As per the informant's statement, the victim was kidnapped on 12.12.2020 but First Information Report was lodged after delay of three days i.e. on 15.12.2020. Referring to the case diary learned counsel for the petitioner submits that the victim himself appeared before the Police on 16.12.2020, and his statement under Section 164 Cr. P.C. was recorded in which he has narrated the incident and has stated that he was assaulted on 12.12.2020 i.e. on the date of occurrence by the petitioner and others, but from perusal of the injury report, it would be evident that the injury caused to the victim was examined on 16.12.2020 and the doctor has opined the injury found on the body of the victim was 24-48 hours old i.e. between 14.12.2020 and 15.12.2020 whereas the victim has stated in his 164 Cr.P.C. statement that he was assaulted on 12.12.2020. Accordingly, the submission is that the petitioner



has been implicated in this case on the basis of concocted story. He further submits that similarly situated co-accused person, namely, Lalan Singh @ Lal Singh @ Lalan Kumar, has been granted bail by this Court, vide order, dated 26.04.2020, passed in Criminal Misc. No. 52397 of 2021. He further submits that the petitioner is in custody since 31.05.2021 and charge sheet has already been submitted against him and as such there is no likelihood that the petitioners will abscond and/or tamper with the evidence.

Regards being had to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that similarly situated co-accused has been granted bail by this Court, vide order, dated 26.04.2020, passed in Criminal Misc. No. 52397 of 2021, there is delay of three days in lodging the First Information Report, charge sheet has already been submitted and the petitioner is in custody since 31.05.2021, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate,



Benipur, Darbhanga, in connection with Bahera Police Station
Case No. 453 of 2020.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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