

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39948 of 2022

Arising Out of PS. Case No.-704 Year-2021 Thana- BIHAR District- Nalanda

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Ajeet Kumar Son of Gajadhar Chaudhary Resident of village - Sultanpur,
P.S.- Noorsarai, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Vaishnavi Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-11-2022 The learned counsel for the petitioner is directed

to remove all the defects pointed out by the Stamp Reporter

within one month.

Heard learned counsel for the petitioner and learned

APP for the State.

Petitioner seeks regular bail in connection with Bihar P.S.

Case No. 704 of 2021 registered for the offence punishable

under Section 364 of the Indian Penal Code.

As per the prosecution, the informant's son was

abducted and a ransom call for the amount of Rs. 50 lakhs was

made over a phone call.

The main submissions advanced by learned counsel

Mrs.Vaishnavi Singh, appearing for the petitioner are that the

petitioner has not been named in the FIR, as per the FIR initially

victim was abducted by the accused persons and a ransom call was made by the accused persons at the mobile phone of the informant by using the SIM of the victim and later on the said number was switched off by the accused persons and during the course of investigation two mobile phones are stated to have been recovered from the possession of co-accused Indrajeet Kumar and the mobile phone SIM which was being used by the victim was found in one of the said recovered mobiles and the said co-accused Indrajeet Kumar revealed the role of the petitioner in the alleged crime and except the statement of said Indrajeet Kumar there is no any other material against the petitioner and there was no reason for the petitioner to be involved in the alleged abduction or murder of the victim. Further submission is that the petitioner has been languishing in jail since 20.10.2021 and there is no legal evidence against him, the prosecution's case is mainly based upon the statement of co-accused Indrajeet Kumar in respect of the involvement of the petitioner in the alleged crime.

Learned APP Mr. Pramod Kumar Pandey, appearing for the State has opposed the prayer for bail.

Heard both the sides and perused the FIR and the order impugned. The instant matter relates to abduction

allegedly committed for the purpose of ransom and later on the victim was murdered by the accused persons. The FIR was registered against unknown persons and as per the informant the accused persons used the mobile phone's SIM of the victim in calling and messaging the informant and by using the said number the accused persons made a ransom call from the informant, the order of court below goes to show that on the basis of mobile tower location of the phone which was used in calling the informant the co-accused Indrajeet Kumar was apprehended and from his possession two mobile phones were recovered and the mobile phone SIM of the victim was found in one of the said recovered mobile phones and in respect of the involvement of the petitioner in the alleged crime the prosecution's case is mainly based upon the statement of co-accused Indrajeet Kumar as appeared from the order of court below and except this no any other incriminating evidence has been revealed by the prosecution during the course of argument and the petitioner has clean antecedent and has been languishing in jail since 20.10.2021. Considering these facts and mainly taking into account the petitioner's clean antecedent and his custody period, in the opinion of this Court the petitioner deserves to a lenient approach of this Court. Accordingly, let the

petitioner be enlarged on bail on furnishing bail bond of Rs.
10,000/- (ten thousand) with two sureties of the like amount
each to the satisfaction of the Court concerned in connection
with Bihar P.S. Case No. 704 of 2021.

(Shailendra Singh, J.)

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