

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.2502 of 2022**

Arising Out of PS. Case No.-880 Year-2021 Thana- MUZAFFARPUR SADAR District-  
Muzaffarpur

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Ramu Ray Son of Shiv narayan Ray Resident of Village - Khabra @  
Barmatpur, Police Station- Sadar, District - Muzaffarpur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Jagarnath Paswan Son of Late Drubal Paswan Resident of Village - Dube  
Tola,Dumri, Police Station- Sadar, District - Muzaffarpur.

... .. Respondent/s

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**Appearance :**

|                         |   |                               |
|-------------------------|---|-------------------------------|
| For the Appellant/s     | : | Mr. Nachiketa Jha, Advocate   |
| For the Respondent No.2 | : | Mr. Arvind Kumar, Advocate    |
| For the State           | : | Mr. Sadanand Paswan, Spl.P.P. |

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**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**  
**ORAL JUDGMENT**

**Date : 23-11-2022**

Heard learned counsel for the appellant and learned  
Special Public Prosecutor for the State as well as learned  
counsel for respondent No.2.

The appellant has preferred this appeal against the  
order dated 13.07.2022 passed by learned Additional District  
and Sessions Judge-1-cum Special Judge, Schedule Caste and  
Schedule Tribe Act, Muzaffarpur whereby the prayer for bail of  
the appellant in connection with Sadar P.S. Case No.880 of  
2021, lodged under Sections 302/34 of the Indian Penal Code,  
was rejected.

As per prosecution case, the informant has alleged

that his son has received a call from Mob. No. 9294272914 which was received by the wife of the informant on the mobile of his son. The informant's wife has disclosed to the informant that the wife of Dilip Kumar has disclosed her that the son of the informant has talked with the holder of Mob. No. 9294272914 and went to outside after taking his dinner at 9 p.m. thereafter he was not returned. When he has not returned then the informant has smelt some foulplay that his son was kidnapped and, therefore, the present F.I.R. has been filed in which informant had made accused to the holder of the above said mobile number and unknown accused persons.

Learned counsel for the appellant submits that appellant is innocent and has committed no offence. He further submits that antecedent of appellant is clean and he is in custody since 24.02.2022. He also submits that in the said case of kidnapping Section 302/34 of I.P.C. has been added subsequently on 24.02.2022 when dead body of the son of the informant was recovered. He further submits that appellant is not the holder of the said Mobile Number i.e., 9294272914 which he has categorically stated in Paragraph 5(vi). He also submits that only on the basis of suspicion the name of the appellant has come in the investigation by the Police and

charge-sheet has already been submitted in this case.

Learned Special Public Prosecutor for the State opposes the prayer for bail.

Learned counsel for the respondent No.2 vehemently opposes the prayer for bail and submits that it is the appellant who was responsible for commission of the said crime. He further submits that from the C.D.R. and from the confessional statement of the co-accused, it is clear that the entire offence has been committed with the help of other accused by the present appellant but upon specific query that whether investigation has been done on Mobile No. 9294272914, he submits that as per the investigation the culprit is holder of Mobile No. 8294272914, in this view of the matter, there is always a suspicion exists.

In the present facts and circumstances of this case and the submissions made above, let the appellant above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-1-cum Special Judge S.C. & S.T. Act, Muzaffarpur in connection with Sadar P.S. Case No. 880 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C.

The order dated 13.07.2022 passed by learned Additional District and Sessions Judge-1-cum Special Judge, Schedule Caste and Schedule Tribe Act, Muzaffarpur whereby the prayer for bail of the appellant in connection with Sadar P.S. Case No.880 of 2021 is hereby set-aside.

With this observation, the criminal appeal stands allowed.

**(Dr. Anshuman, J.)**

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