

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50905 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- LAUKAHI District- Madhubani

Kishun Mandal, S/O Rajbanshi Mandal, R/O Village- Chhajana, P.S.- Laukahi
(Narahiya O.P.), District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 55504 of 2021

Arising Out of PS. Case No.-25 Year-2021 Thana- LAUKAHI District- Madhubani

Dinesh Kumar Sah, S/O Ram Chandra Sah, R/O Village- Chhajana, P.S.-
Laukahi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50905 of 2021)

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

(In CRIMINAL MISCELLANEOUS No. 55504 of 2021)

For the Petitioner/s : Mrs. Kumari Shubham, Advocate

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 11-05-2022 With the consent of the parties both the bail applications are being heard together and disposed of by this common order.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.



Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek regular bail, who are in custody in connection with Laukahi (Narahiya O.P.) P.S. Case No. 25 of 2021 for the offences punishable under Sections 364(A)/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 26.01.2021 at about 6.30 PM, the grand-son of the informant, namely, Ayush Kumar, aged about 5½ years went missing. On enquiry, he came to know that all the named accused persons kidnapped his grand-son and at about 11.29 PM., the informant received a ransom call wherein the caller has demanded Rs. 30,00,000/- and threatened with dire consequences. It is also alleged that the said ransom call was made by Raushan Kumar Mandal.

It is submitted on behalf of the learned counsel for the petitioners that from bare perusal of the F.I.R. it appears that even before receiving the ransom call, the informant was aware of the complicity of the named accused persons, but it has not been disclosed as to how and whom he learnt about the complicity of all the five named accused persons including these two petitioners. It is further submitted that though the victim



boy has been recovered, but his statement has not been recorded, which creates suspicion of the entire prosecution case. It is next submitted that during the course of investigation one child witness has stated that accused Lalan Kumar Mukhiya and one Amit Kumar Chaupal have taken away the victim boy. Further the accused Lalan Kumar Mukhiya, Amit Kumar Chaupal and Dinesh Kumar Sah were arrested by the police on 28.01.2021 and thereafter the confessional statement of petitioner Dinesh Kumar Sah has been recorded by the police and on whose disclosure the victim boy is said to have been recovered from the Orchard where it has been said that two persons, namely, Raushan Kumar Mandal and petitioner Kishun Mandal fled away. It is lastly submitted that these petitioners are not the persons, who are allegedly made ransom call. Further, these petitioners have got no criminal antecedent are in custody for more than one year and four months.

On the other hand, learned APP for the State opposes the bail applications and submits that the victim boy has been recovered from the possession of these petitioners and during course of investigation the statement of witnesses were recorded, who supported the prosecution case, but conceded that some of the independent witnesses stated that the accused



persons have been falsely implicated in this case on account of some land dispute.

Having considered the submissions made on behalf of the parties and taking into the consideration of this fact that there is no direct allegation against these two petitioners in taking away the victim nor the victim boy has been recovered from their possession and moreover neither the statement of the victim has been recorded in this case nor the petitioners have been alleged to make any ransom call. Further, these petitioners having no criminal antecedents are in custody for about one year and four months and the investigation have already been completed and they are giving undertaking that they will cooperate in the trial, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate-III, Jhanjharpur, Madhubani in connection with Laukahi (Narahiya O.P.) P.S. Case No. 25 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.



(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

uday/-

U		T	
---	--	---	--

