

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52397 of 2021**

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

LALAN SINGH @ LAL SINGH @ LALAN KUMAR SINGH S/o Baiju
Singh R/o Village- Nandapatti, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajkumar Rajesh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 26-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with Bahera
P.S. Case No. 453/2020 registered for the offences punishable
under Sections 363, 365 and 34 of the Indian Penal Code 1860.

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

Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to some
dispute relating to payment of money inasmuch as on
13.12.2020 the victim had entered into an agreement with the



petitioner giving his undertaking that a sum of Rs.2,00,000/- taken as a loan by the victim would be paid to the petitioner with interest of 2 per cent per month. Learned counsel 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 petitioner 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. The petitioner is in custody since 31.5.2021 and charge sheet



has already been submitted.

Regards being had to the submission made by the parties and taking into consideration the materials available on record, the fact that there is delay of three days in lodging the First Information Report and there is an agreement between the victim and the petitioner (Annexure-8) to the supplementary affidavit which shows that the victim had assured the petitioner on 13.12.2020 to repay the loan amount by 20.02.2021, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Darbhanga, in connection with Bahera P.S. Case No. 453/2020.

(Anil Kumar Sinha, J)

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