

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55837 of 2021

Arising Out of PS. Case No.-279 Year-2021 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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Priyesh Kumar Singh @ Priyesh Kumar Son Of Late Anup Singh @ Anup
Kumar Singh Resident Of Village - Bheriya, P.S. Dihri Aonson, District -
Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pravin Kumar, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-02-2022 Heard learned counsel for the petitioner and learned

A.P.P. for the State, Sri Aditya Narayan Singh-I.

The petitioner seeks bail in connection with Sadar P.S.
Case No. 279 of 2021 instituted for the offences under Sections
365, 366, 349 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 06.04.2021, is a person with clean
antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that the
informant alleges that his wife, Putul Devi and daughter Khushi
Kumari, aged about 13 years were kidnapped, the informant
further alleges that he is *khalasi* of a truck and his wife and
daughter were living in the rental house of Mukesh Pandey,



situated at Yadav Nagar and he used to come to his rental house in a week to meet his wife and children. Further, it is alleged that on 27.03.2021 at around 03:00 pm when he came to visit his wife and child, he found the room locked, accordingly he inquired from the local people and also searched them in his relatives place but his wife and daughter could not be traced. It is further alleged that on 28.03.2021, at around 03:00 pm one person called on mobile number of his father and informed that his daughter-in-law (Putul Devi) and granddaughter are in his possession and demanded extortion of Rs. 3 lakhs with a threat that if the money is not given, they will be killed. Accordingly, the informant went to his rental house at Yadav Nagar and opened the door of his room and he found the photo copy of Aadhaar Card of Priyesh Singh (petitioner) and Anup Kumar Singh along with account number of Priyesh Kumar of Punjab National Bank and thus alleges that they might have kidnapped his wife and daughter.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that when he went to his rental house, he found his room locked from outside, that in itself demonstrates that the victim had left the house after



locking the door. It is further submitted that Putul Devi had developed friendship with the petitioner in absence of her husband and as such on her own volition she had gone to meet him. It is further submitted that it absolutely does not stand to reason that an accused who intends to kidnap would leave materials in the house and would get implicated.

Learned counsel for the petitioner submits that even from the statement of Putul Devi recorded under Section 164 of the Cr.P.C., it would manifest that though she had supported the prosecution case but in a way has supported the petitioner also by not alleging that she was sexually exploited rather only alleges that he had confined her in a room for 15 days. Learned counsel further submits that from perusal of the F.I.R. it would also manifest that the date of occurrence is 27.03.2021 and the F.I.R was instituted on 05.04.2021 without giving any plausible explanation for the delay that further goes to show that informant was aware about the whereabouts of his wife and daughter and he very wisely implicated him by alleging that Aadhaar Card and Account Number of the petitioner was found in his rental house.

Learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.



Considering the fact that the petitioner is in custody since 06.04.2021, is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions made by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Sadar P.S. Case No. 279 of 2021.

(Satyavrat Verma, J)

Gaurav Kumar/-

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