

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49029 of 2022

Arising Out of PS. Case No.-185 Year-2019 Thana- ROHTAS District- Rohtas

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Upendra Singh, S/o Late Ram Dular Singh, Resident of Village- Karup, P.S.-
Kargahar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Uma Shankar Singh, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 13-12-2022 This petition has been taken up for out of turn hearing on a supplementary affidavit being moved on behalf of the petitioner that the wife of the petitioner is seriously ill and she has been advised by the doctor for operation of urinary bladder and there is no one in the family to look after her.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

In the present case, the petitioner seeks bail in connection with Rohtas P.S. Case No. 185 of 2019, registered for the alleged offences under Sections 364A, 120 B and 34 of the Indian Penal Code.

As per prosecution case, the father of the informant was abducted and ransom demand was made for his release. The name of the petitioner transpired during investigation as one of the accused persons who was involved in the abduction of the



father of the informant.

The learned counsel for the petitioner submits that the petitioner is not named in the FIR and when the statement under Section 164 Cr.P.C. was recorded, he only named Rajmuni Devi and Ram Niwas Chauhan among his abductors. The name of the petitioner transpired in the confessional statement of co-accused persons. The co-accused persons namely, Sukesh Pandey and Ram Niwas Chauhan have been granted bail by different Coordinate Benches of this Court vide orders dated 16.03.2020 and 27.11.2019 passed in Cr. Misc. Nos.78672 of 2019 and 76751 of 2019, respectively. The co-accused Shankar Sah has been granted anticipatory bail vide order dated 27.10.2021 passed in Cr. Misc. No. 31201 of 2020 by a Coordinate Bench of this Court. Another co-accused Adityamal Singh has been granted bail by the learned court below itself. The learned counsel further submits that the petitioner has not been put for Test Identification Parade and nothing incriminating has been recovered from his person or possession. The petitioner is in custody since 16.06.2022 and the charge sheet has been submitted in this case.

Learned A.P.P. opposes the prayer for bail.

Having regard to the facts and circumstances and



submissions made hereinabove and considering the lack of any substantive material against the petitioner and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Dehri, Rohtas, in connection with Rohtas P.S. Case No. 185 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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