

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50382 of 2022

Arising Out of PS. Case No.-393 Year-2022 Thana- BANKA District- Banka

RAJESH KUMAR S/o Late Manejer Yadav @ Manajar Manjhi R/o Village-
Sonari, P.S.- Banka, District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Pandey

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-12-2022 Heard the learned counsel for the petitioner
and the learned APP for the State.

The petitioner seeks regular bail in connection with Banka P.S. Case No. 393 of 2022, registered for the offence punishable under Sections 364, 379, 34 of the Indian Penal Code.

The case of the prosecution, in brief, is that on 18.6.2022, six unknown miscreants had intercepted a Bolero vehicle and kidnapped one Arun Manna as also had committed loot.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case, he is



having a clean antecedent and he is languishing in custody since 20.6.2022. The learned counsel for the petitioner has submitted, by referring to paragraph no. 11 of the present petition as also by referring to the impugned order that the said kidnapped person, namely, Arun Manna, has not named the petitioner to be one of the kidnapper in his statement made under Section 164 Cr.P.C. before the learned Magistrate and moreover, the petitioner was working as Security Guard in the same company in which the informant is working as a Plant Manager, however, in case the petitioner would have been present at the scene of crime, he would obviously have been identified by the informant, but the informant has not named him, as having complicity in the alleged occurrence.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the



petitioner and taking into account the materials available on record as also considering the fact that the petitioner has not been named by the victim, in his statement made under Section 164 Cr.P.C. before the learned Magistrate, to be one of the kidnappers apart from the fact that no Test Identification Parade has been held till date so as to connect the petitioner with the alleged crime, the petitioner is having a clean antecedent and he is languishing in custody since 20.6.2022, though I deem it fit and proper to direct for release of the petitioner on regular bail, however, subject to verification of the fact as to whether the victim has or has not disclosed the name of the petitioner in his statement made under Section 164 Cr.P.C. before the Ld. Magistrate.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate,



Banka in connection with Banka P.S. Case No. 393
of 2022.

(Mohit Kumar Shah, J)

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