

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61000 of 2021

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

Lalan Kumar Mukhiya S/O Nand Kishore Mukhiya R/O Village-Chhajan,
P.S.- Laukahi, Narahiya O.P., District-Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Pravesh Sharma, Advocate

Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 10-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ram Pravesh Sharma, learned counsel for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Laukahi (Narahiya O.P.) P.S. Case No. 25 of 2021 (G.R. No. 179 of 2021) registered 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 06:30 PM, the grandson of the informant, namely, Ayush Kumar aged about five years and half months



went missing and on enquiry , he came to know that all the FIR named accused persons, including the petitioner, kidnapped his grandson. At about 11:29 PM, the informant received a ransom call wherein the caller has demanded Rs. 30 lakhs and threaten with dire consequences. It is also alleged that said ransom call was suspected to be made by Raushan Kumar Mandal.

Learned counsel appearing on behalf of the petitioner submits that from the FIR it would be evident that even before receiving the ransom call, the informant was aware of the complicity of the named accused person, but it has not been disclosed to the police personnel as to how he learnt about the complicity of all the five accused persons, including the petitioner. He next submits that though the victim boy was recovered within 48 hours from mango orchard, but his statement was not recorded, which also creates suspicion on the entire prosecution case. It is next submitted that taking into consideration the aforesaid aspect of the matter, other co-accused persons, having identical allegation, have been allowed the privilege of bail in Cr. Misc. No. 60979 of 2021 and Cr. Misc. No. 50905 of 2021 vide order dated 27.09.2022 and 11.05.2022 respectively, copies of which have been produced before this Court and the same has been kept on record. He also



drawn the attention of this Court towards paragraph no 75, 76 and 77 of the case diary, wherein the independent witnesses have stated before the police that in fact on account of some election dispute with Raushan Kumar Mandal and the informant, this case has been instituted. He also submits that save and except the confessional statement of Dinesh Kumar Sah, there is neither any material against the petitioner nor there is any independent witnesses to the alleged occurrence that this petitioner has participated in the commission of crime. He lastly submits that the petitioner having fair antecedent is in custody since 29.01.2021.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the victim boy has been recovered on the disclosure made by the petitioner and others from possession of other co-accused persons and as such the complicity of the petitioner cannot be ruled out. He also submitted that other witnesses have also supported the prosecution case with regard to the complicity of the petitioner.

Having regard to the submissions made on behalf of the parties and considering the fact that though the victim boy has been recovered from an orchard, however, neither his



statement has been recorded nor the informant disclosed as to how he came to know with regard to the complicity of the petitioner prior to the institution of the FIR, apart from the fact that other co-accused persons having identical allegation have been allowed the privilege of bail, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, Madhubani in connection with Laukahi (Narahiya O.P) P.S. Case No. 25 of 2021 (G.R. No. 179 of 2021), subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

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

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

(iii) He 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, his bail bonds will liable to be cancelled. Learned counsel for the petitioner is permitted to



remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

shivank/-

(Harish Kumar, J)

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