

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60979 of 2021

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

Raushan Kumar Mandal Son of Arjun Mandal @ Arjun Kumar Mandal
Resident of Village - Chhajan, P.s.- Laukahi, Narahiya O.P, Distt.-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59051 of 2021

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

Amit Kumar Chaupal @ Amit Kumar Mandal @ Amit Kumar S/O Sri Ram
Sundar Mandal @ Ramsundar Mandal r/o village- chhajana, p.s.- Chhajana,
P.S.- Laukahi, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60979 of 2021)

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

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

(In CRIMINAL MISCELLANEOUS No. 59051 of 2021)

For the Petitioner/s : Mr. Manish Kumar No 13, Advocate.

For the Opposite Party/s : Mr. Akbar Ali, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 27-09-2022 With the consent of the parties, both the bail applications are being heard together and disposed of by this common order.

Learned counsel for the petitioners is permitted to
remove the defect(s), as pointed out by the office, within a



period of four weeks from today.

Heard the learned counsels for the petitioners and learned APP for the State.

The petitioners seeks regular bail, who are in custody in connection with Laukahi (Narahiya O.P.) P.S. Case No. 25 of 2021 (G.R. No. 179 of 2021), for the offences punishable under Section 364A/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 26.01.2021 at about 06:30 pm., grand son of the informant, namely, Ayush Kumar, aged about five years and half months went missing and on inquiry, he came to know that all the named accused persons including the petitioner kidnapped his grand-son and at about 11:29 pm., the informant received a ransom call, wherein the caller has demanded rupees thirty lakhs and threatened with dire consequences. It is also alleged that the said ransom call was suspected to be made by Raushan Kumar Mandal.

It is submitted by the learned counsels appearing on behalf of the petitioners 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 persons, but it has not been disclosed to the police personnel, as to whom he learnt



about the complicity of all the five accused persons including these two petitioners. They further submitted that though the victim boy was recovered within two days, but his statement has not been recorded, which creates suspicion on the entire prosecution case. They also submitted that mobile number from which ransom was demanded has never been verified by the Investigating Officer, as to whether it belongs to any accused persons or not and no recovery of the same has been made from the possession of any of the petitioners. They also submitted that considering the aforesaid aspect of the matter, earlier this court has granted bail to co-accused Kishun Mandal and Dinesh Kumar Sah, in Cr. Misc. No. 50905 of 2021 and Cr. Misc. No. 55504 of 2021, respectively. The learned counsels for the petitioners also drawn the attention of this court towards Paragraph 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, they have been falsely implicated in this case and the entire case is based on confessional statement. They next submitted that the petitioners having fair antecedent, are in custody since 06.04.2021 and 29.01.2021 respectively. The learned counsel appearing on behalf of the petitioner



Raushan Kumar Mandal further submitted that the petitioner was neither apprehended by the police rather it is also alleged that he succeeded in fleeing away, when the raid was conducted and the boy was recovered from the orchard, which also creates suspicion that the kidnapped boy was kept in an open orchard.

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

Regard being had to the submissions made on behalf of the parties and considering the fact that victim boy has been recovered from an orchard and neither his statement has been recorded nor the informant disclosed as to how he came to know with regard to the complicity of the petitioners, prior to the institution of the FIR. Apart from the fact that the petitioners having fair antecedent, are in custody since 06.04.2021 and 29.01.2021, respectively and other co-accused persons having more or less similar allegation have granted bail by this court,



let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I, Jhanjharpur, Madhubani, in connection with Laukahi (Narahiya O.P.) P.S. Case No. 25 of 2021 (G.R. No. 179 of 2021) giving rise to Sessions Trial No.228 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

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

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

(iii) They 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

manoj/-

U		T	
---	--	---	--

