

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.63176 of 2021**

Arising Out of PS. Case No.-469 Year-2020 Thana- SAHEBGANJ District- Muzaffarpur

DILIP KUMAR S/o Rambabu Rai Resident of Village- Sitalpatti, P.S.-  
Siwaipatti, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar

For the Opposite Party/s : Mr.APP

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY**  
**ORAL ORDER**

4      28-06-2022                      Let the defect(s), as pointed out by the office, be  
removed within a period of four weeks from today.

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

The petitioner seeks bail in connection with  
Sahebganj (Sahibganj) P.S. Case No. 469 of 2020 registered for  
the offences punishable under Sections 364(A), 120(B), 34 of  
the Indian Penal Code.

As per prosecution case, One Champa Devi  
informant has given her written report that on 30.08.2020 her  
son aged about 11 years along with all family members were at  
home after taking meal, about 2 o'clock in the day son of the  
informant namely Chhahat Kumar was kidnapped and it is  
further stated that at 03:30-04:00 o'clock informant received a



call on her mobile bearing no. 9135943572 from mobile no. 7352806100 in which the caller stated that her son Chhahat Kumar has been kidnapped and demanded Rs. 1 Crore otherwise her son would be killed.

Learned counsel for the petitioner submits that petitioner is in custody since 04.09.2020. The petitioner is not named in the F.I.R. and no incriminating article has been recovered from the possession of the petitioner. The name of the petitioner has come in this case on the basis of confessional statement of other co-accused which has got no value in the eyes of law. It has been further submitted that the victim boy namely Chhahat Kumar has given his statement under Section 164 of the Cr.P.C. wherein he has given the name of accused persons in which he has stated that Guddu and Dilip has taken him on motorcycle and also named other accused persons but in T.I.P. victim boy has not identified the petitioner although identified the other accused persons involved in the crime. He further submits the petitioner has no concern with the mobile in question. Petitioner bears one criminal antecedent. Charge-sheet has been submitted in the case and there is no likelihood of tampering the prosecution evidence.

The learned A.P.P. for the State vehemently



opposes the prayer for bail of the petitioner as the victim boy has barely naming the petitioner and on that ground the bail of the petitioner be rejected.

Considering the facts and circumstances of the case as well as the victim child has clearly identified the name of other accused persons but not identified the present petitioner in TIP and petitioner is already in custody since 04.09.2020, charge-sheet has already been submitted and argument advanced on behalf of both the parties and also taking into consideration the material available on record, 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 ACJM, Ist, West Muzaffarpur in connection with Sahebganj (Sahibganj) P.S. Case No. 469 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.



(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

**(Alok Kumar Pandey, J)**

Shahzad/-  
Amit

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