

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68163 of 2021

Arising Out of PS. Case No.-337 Year-2021 Thana- BARH District- Patna

1. Pappu Kumar Son of Anil Kumar Resident of Village - Raily, P.S.- N.T.P.C. Barh and District - Patna
2. Nitish Kumar Son of Chandeshwar Prasad @ Chaneshwar Gop Resident of Village - Raily, P.S.- N.T.P.C. Barh and District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, APP

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-07-2022 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Barh P.S.
Case No. 337 of 2021 registered for the offence under Sections
364 and 120(B) of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and
are in custody since 26.08.2021.

The allegation against the petitioners is to kidnap the
husband of the informant in order to commit murder along with
other co-accused persons.



Learned counsel appearing on behalf of the petitioner submitted that nothing incriminating surfaced against both the petitioners, as per statement of victim recorded under Section 164 of Cr.P.C. It has further been submitted that only incriminating part is that both the petitioners were found standing, while kidnapping was committed by the main accused, namely, Suraj Yadav. It has further been pointed out that the petitioner no.1 is involved in two criminal cases and petitioner no.2 is involved in one criminal case, in which, both the petitioner are on bail. While concluding the argument, it has been submitted that investigation of this case has been completed, for which, charge-sheet has already been submitted in this case, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that occurrence is in the background of land dispute, as per the F.I.R.

Considering the facts and circumstances as mentioned above, as the only incriminating fact surfaced from the statement of victim, recorded under Section 164 Cr.P.C., where both the petitioners were found standing nearby the place of occurrence, having specific allegation of kidnapping against the



co-accused, namely, Suraj Yadav, let both the petitioners, above named, are directed to be released on bail in connection with Barh P.S. Case No. 337 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Ist, Barh, District- Patna/concerned court, subject to the following conditions:

“(i) That petitioners shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) If the petitioners tamper with the evidence or the witnesses, in that event, trial court shall be at liberty to cancel the bail bond of the petitioners.

(iii) Accused/Petitioners shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iv) That one of the bailors shall be Chandeshwar Prasad @ Chaneshwar Gop, who is the father of the petitioner no.2 and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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