

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.448 of 2022

Arising Out of PS. Case No.-156 Year-2012 Thana- RIGA District- Sitamarhi

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Rakesh Kumar @ Rakesh Yadav @ Rakesh Rai Son of Suresh Rai @ Suresh Yadav Resident of Village - R.D. Palesh Indira nagar, Sitamarhi, P.S.- Sitamarhi, Distt.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Sr. Advocate
		Mr.Virendra Kumar, Advocate
For the Opposite Party/s :		Mr.Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 17-09-2022 Heard learned senior counsel appearing on behalf of the petitioner 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 petitioner seeks bail in connection with Riga P.S. Case No. 156 of 2012 registered for the offence under Sections 365, 120(B) and 34 of the Indian Penal Code.

The accused/petitioner is not named in the F.I.R. and is in custody since 11.12.2020.

The allegation against the petitioner is to kidnap the son and nephew of the informant, along with other co-accused



persons.

Learned senior counsel appearing on behalf of the petitioner submitted name of the petitioner surfaced on the basis of confessional statement of co-accused, namely, Saroj Kumar, where in furtherance thereof, nothing surfaced during the course of investigation, which may connect petitioner, *prima facie*, with present set of kidnapping. It is submitted that victims named this petitioner as one of the co-accused, who was actively participated in kidnapping in their statement, recorded under Section 164 of the Cr.P.C., despite of same petitioner was never put on TIP. It is also submitted that this is not a case of kidnapping, where victims were recovered by police rather victims rescued themselves and, as such, the entire allegation against the petitioner is appearing concocted and false. It is also submitted that petitioner is involved in sixteen (16) criminal cases, wherein maximum of cases, name of the petitioner surfaced on the basis of confessional statement, as of present. It is submitted that petitioner is on bail in all 16 cases. While concluding the argument, it has been submitted that there is no transaction of ransom money and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the



evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that no TIP was conducted, as yet.

Considering the facts and circumstances as mentioned above, as TIP was not conducted, particularly when victims are in position to identify, where rescue is based upon self-effort coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Riga P.S. Case No. 156 of 2012 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Sitamarhi/concerned court, subject to the following conditions:

“(i) That petitioner 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) Accused/Petitioner 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.

(iii) That one of the bailors shall be Suresh Ray, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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