

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18777 of 2022**

Arising Out of PS. Case No.-405 Year-2021 Thana- SAHEBGANJ District- Muzaffarpur

RAJKISHORE SINGH SON OF PHUDENA SINGH R/O VILLAGE-
TARAWAN, P.S.- SAHEBGANJ, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan
For the Opposite Party/s : Mr.Zainul Abedin

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

8 12-04-2023 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well

as the learned APP for the State assisted by the learned counsel

for the informant.

In this case, the petitioner is seeking regular bail in

connection with Sahebganj P.S. Case No. 405 of 2021,

registered for the offences punishable under Sections 365 of the

Indian Penal Code.

The informant, Saroj Thakur made allegation in his

fardbeyan that co-accused persons Shambhu Thakur, Bindu

Devi, Shashi Thakur, Sandeep Thakur and the petitioner had



forcibly took away the daughter-in-law and minor grandson of the informant by a four-wheeler vehicle. The son-in-law of co-accused Shambhu Thakur was suffering from kidney disease and the informant came to know that he was in need of kidney transplantation. The informant expressed his firm belief that the accused persons in collusion with the petitioner had kidnapped the minor grandson and daughter-in-law of the informant for the purpose of extracting their kidneys.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated. He is mediator of the marriage between the victim and son of the informant and has falsely been implicated. He has further submitted that he is not agnates of the informant as other co-accused persons. The learned counsel has also submitted that the informant preferred, Cr.W.J.C. No. 1142 of 2021, in which this court observed in paragraph No. 5 that the victim went with accused persons voluntarily and the informant lodged the case after delay of 25 days.

On the other hand, the learned counsel for the informant and the learned APP have submitted that the accused persons, after kidnapping the daughter-in-law and minor grandson aged about 15 months, had thrown away the minor



grandson of the informant and he was recovered from a bush whereas the daughter-in-law of the informant is still traceless. It is also submitted that during pendency of bail application, a SIT was constituted under the order of the Hon'ble Court.

It appears that the FIR was lodged after a delay of 25 days without any explanation. The Division Bench in Cr.W.J.C No. 1142 of 2021, has observed that the victim went with the accused persons voluntarily.

Considering these facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of learned ACJM-I (West), Muzaffarpur, in connection with Sahebganj P.S. Case No. 405 of 2021 subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.



Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

SONALI/Sudha

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