

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20314 of 2023

Arising Out of PS. Case No.-588 Year-2022 Thana- BAGHA District- West Champaran

Santosh Thakur S/O Late Ramashish Thakur Resident Of Village- Madhkaul,
P.S.- Belsand, District- West Champaran.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anand Kishore Choudhary, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 14-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

3. The petitioner seeks bail in connection with Bagaha
P.S. Case No. 588 of 2022 registered for the offence under
Sections 365, 392 of the Indian Penal Code and subsequently
added Section 364(A) of the Indian Penal Code.

4. The accused/petitioner is not named in the F.I.R.
and is in custody since 18.10.2022.

5. The allegation against the petitioner is to kidnap the
driver of the informant alongwith loaded Pick Up Van, where, as
per GPS (Global Positioning System) installed with truck, the
last location of vehicle was found on NH 727 near Tengrahi



Bridge.

6. Learned counsel appearing on behalf of the petitioner submitted that petitioner is not named in the FIR and his name surfaced during the course of investigation on the basis of confessional statement of co-accused, namely, Arun Bhagat. It is submitted that out of previous enmities by making a false allegation after two months of occurrence, petitioner implicated with present case, where it has been alleged during the course of investigation that despite of receiving Rs. 2 lacs, not released the driver of the alleged truck of informant. It is submitted that the cash transaction was made with father-in-law of brother-in-law of co-accused Arun Bhagat. It is submitted that as per para-99 of the case diary, it appears that alleged truck found in a river, suggesting accident, where death of driver cannot be ruled out of said accident. While concluding the argument, it is submitted that save and except suspicion, nothing surfaced during the course of investigation against this petitioner, who is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

7. Learned APP, opposes the prayer of bail.

8. Considering the facts and circumstances as



mentioned above and by taking note of fact as save and except suspicion, nothing corroborative material surfaced/recovered during the course of investigation to connect petitioner *prima facie* with the present occurrence of kidnapping, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 18.10.2022, accordingly, petitioner above named, is directed to be released on bail in connection with Bagaha P.S. Case No. 588 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 1st A.C.J.M., Bagaha, West Champaran/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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