

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28851 of 2023

Arising Out of PS. Case No.-316 Year-2022 Thana- VAISHALI District- Vaishali

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1. Vinod Chaudhary @ Vinod Kumar, Son of Ganga Chaudhary Resident of village - Daudnagar, P.S. - Vaishali, Distt. - Vaishali (Hajipur)
 2. Shubham Kumar @ Shubham Kumar Jaishwal Son of Vinod Kumar Resident of village - Daudnagar, P.S. - Vaishali, Distt. - Vaishali (Hajipur)
- Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.N.K. Agarwal, Sr. Advocate Mr.Pramod Kumar Yadav, Advocate
For the State	:	Mr.Shailendra Kumar Singh, APP
For the Informant	:	Mr.Suraj Narain Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2023 Heard Mr. N.K. Agarwal, learned senior counsel assisted by Mr. Pramod Kumar Yadav, learned Advocate for the petitioners, Mr. Suraj Narain Yadav, learned counsel for the informant and Mr. Shailendra Kumar Singh, learned APP for the State.

2. The petitioners, in the present case, are seeking pre-arrest bail in connection with Vaishali P.S. Case No. 316 of 2022 registered for the offences punishable under Sections 365/34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant has alleged that her husband has a jewelry shop at Daudnagar market for which her husband had taken a loan of Rs. 2.5 lakh from the



petitioners and others and was paying monthly interest of Rs. 25000/-. The informant further alleged that all the accused persons threatened her son Abhishek Kumar to ask his father to return the money. The informant further alleged that on 16.08.2022 at about 10:30 A.M. her husband did not return home from his shop and she believed that the above-named accused persons have kidnapped her husband.

4. Learned senior counsel for the petitioners submits that admittedly these petitioners had provided some financial help to the informant's family and on account of refund of the said amount there was a panchayati whereunder the informant's husband had agreed to refund the money by 15th August, 2022. It is submitted that the informant's husband had also issued a cheque for a sum of Rs. 5,40,000/- in favour of petitioner no. 1 which became due on 09.08.2022 but got dishonoured on presentation.

5. Learned senior counsel further submits that the husband of the informant has returned safe, in such circumstances, the petitioners deserve privilege of pre-arrest bail.

6. On the other hand, Mr. Suraj Narain Yadav, learned counsel for the informant submits that after the dishonour of cheque, the petitioners indulged in extra-judicial method and they alongwith the co-accused Arun Choudhary, Tullu Kumar and Birendra Singh forcibly abducted the husband of the informant. It



is stated that the husband of the informant was recovered only after about three months on 15.11.2022 during a police checking of the vehicles. It is, thus, submitted that both the petitioners are named in the F.I.R. and keeping in view the statements under Section 164 Cr.P.C. of the victim, the prayer for pre-arrest bail of co-accused Arun Chaudhary @ Arun Kumar has been rejected by a learned coordinate Bench of this Court in Cr. Misc. No. 14865/2023. It is further pointed out that co-accused Birendra Singh has been granted privilege of pre-arrest bail but he has been granted considering his old age, thus, his case is distinguishable.

7. Having regard to the gravity of the offences alleged, severity of the punishment, the fact that the recovery was made after three months and the victim has named the petitioners as the persons who had abducted him, this Court is not inclined to grant privilege of anticipatory bail to the petitioners.

8. Prayer for anticipatory bail of the petitioners is, thus, refused.

(Rajeev Ranjan Prasad, J)

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