

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30950 of 2023

Arising Out of PS. Case No.-91 Year-2022 Thana- SACHIVALAYA District- Patna

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1. KUSUM DEVI WIFE OF SRI BALESHWAR RAI RESIDENT OF VILLAGE- RAGUNATH TOLA, PS- ANISHABAD, DISTT- PATNA, BIHAR
 2. BALESHWAR RAI SON OF LATE DEO NANDAN RAI RESIDENT OF VILLAGE- RAGUNATH TOLA, PS- ANISHABAD, DISTT- PATNA, BIHAR

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. RANI DEVI WIFE OF LATE KAPILDEO YADAV RESIDENT OF VILLAGE- VIKASVIHAR COLONY, PS- RUPASPUR, DISTT- PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Mishra

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-07-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sachiwalay P.S. Case No. 91 of 2022, registered for the offence punishable under Sections 363 and 365 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioners herein having kidnapped the son of the informant, namely, Pritam Kumar.

The learned counsel for the petitioners submits that the



petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that the petitioners are aged persons and they have got nothing to do with the alleged occurrence, however, their complicity in the alleged occurrence has transpired, upon the confessional statement made by the co-accused persons, namely, Rahul Kumar @ Hani and Ajay Kumar @ Raja, which has got no evidentiary value in the eyes of law. It is further submitted that the materials on record would show that the son of the informant had fraudulently taken huge sums of money from various persons on the pretext of getting them employed in a Government Department and thereafter, with a view to misappropriate their money, he had hatched a conspiracy and cooked up a false story in order to falsely implicate the accused persons including the petitioners.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the fact that the name of the petitioners has



transpired in the present case, upon confessional statement made by the co-accused persons, which has got no evidentiary value in the eyes of law, apart from the fact that the petitioners are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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 AJCM IX at Patna Sadar in connection with Sachiwalay P.S.Case No. 91 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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