

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39294 of 2023

Arising Out of PS. Case No.-198 Year-2016 Thana- TURKAULIYA District- East
Champaran

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Naresh Sahani Son of Bhagwan Sahani Resident of Village - Bhalua
Raghunathpur, P.S.- Turkauliya, District - East Champaran, Motihari,
Permanent resident of Village - Khora Mansingha, P.S.- Sugauli, District -
East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 02-08-2023 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

2. The petitioner seeks bail in connection with

Session Trial No. 220/2018 arising out of Turkauliya P.S. Case

No. 198 of 2016 registered for the offence under Sections 364

A, 120-B/34 of the Indian Penal Code.

3. The accused/petitioner is not named in the F.I.R.

and is in custody since 06.01.2018.

4. The allegation against the petitioner is to kidnap

the minor nephew of informant, aged about 11 years alongwith

named and unknown co-accused persons, where allegation of

demand of ransom is also available through F.I.R.



5. Learned counsel appearing on behalf of the petitioner submitted that during the course of investigation nephew of informant was recovered by the police and subsequently, his statement was recorded under Section 164 of Cr.P.C., where he failed to state anything incriminating against this petitioner. It is submitted that the name of this petitioner surfaced on the basis of confessional statement of co-accused, namely Hariom Kumar, in furtherance of which no incriminating material was recovered as to connect petitioner, prima facie, with the present occurrence of kidnapping. It is further submitted that said co-accused Hariom Kumar has already granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 314 of 2017 vide order dated 17.04.2017. While concluding the argument, it has been submitted that petitioner found involved in one more criminal case i.e. Turkauliya P.S. Case No. 321 of 2016, where he was convicted for life but now on appeal he is on bail and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as



mentioned above, and by taking note of the fact as victim nothing stated incriminating against this petitioner, while recording his statement under Section 164 of Cr.P.C., coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 06.01.2018, accordingly, above named petitioner is directed to be released on bail in connection with Session Trial No. 220/2018 arising out of Turkauliya P.S. Case No. 198 of 2016 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned 11th Additional Sessions Judge, East Champaran, Motihari/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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