

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42583 of 2023

Arising Out of PS. Case No.-73 Year-2021 Thana- ISMAILPUR District- Bhagalpur

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DHEERAJ DAS @ DHREEJ YADAV @ AMARJEET YADAV @ DHIRAJ
KUMAR SON OF SUBHASH YADAV @ SUBHASH DAS @ SUVASH
DAS RESIDENT OF VILLAGE- BARI PAIKANT, DEOTHA, PS-
PASRAHA, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv.

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 30-08-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 13.01.2023 seeks
bail, in connection with Ismailpur P.S. Case No.73/2021, dated
19.07.2021, for the offences punishable under Sections 364(A)
of the IPC.
3. According to prosecution case, the petitioner along
with other co-accused namely Fantus Kumar Mandal are alleged
to have kidnapped the brother of the informant on the point of
pistol and demanded ransom of Rs. 1 lac and threatened to kill
his brother if their demand would not fulfill.
4. Learned counsel for the petitioner submits that the
petitioner has falsely been implicated in the present case. He



further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has never demanded any ransom as alleged in the F.I.R. He further submits that from bare perusal of the F.I.R., it appears that the alleged date of occurrence is 15.07.2021 but the present F.I.R. has been instituted on 19.07.2021 after delay of four days without giving any explanation of delay. He further submits that there is no eyewitness of the present occurrence and on the basis of information received from his brother namely Aamir Kumar, the present F.I.R. was instituted by the brother of the victim. It appears that the petitioner and other co-accused have abductured the brother of the informant and the statement of the victim was recorded in which he has stated that the petitioner and other co-accused have kidnapped him but other co-accused, namely, Fantus Kumar has been granted bail vide order dated 16.09.2021 passed in B.A. No.581/2021, other co-accused persons, namely Sandip Kumar, Pawan Kumar, Rana Kumar and Saurav Kumar Suman have been granted bail vide order dated 11.08.2021 passed in B.P. No. 523/2021 by the learned court below itself. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in custody since 13.01.2023.



5. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner has carried one criminal antecedent other than the present one in which he is on bail.

6. Considering the aforesaid facts and the fact that similarly situated other co-accused persons have been granted bail and the investigation already completed, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri S.C.Nishad, J.M.1st Class, Naugachhia, Bhagalpur in connection with Ismailpur P.S. Case No.73/2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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