

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33997 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- SASARAM NAGAR District- Rohtas

Ritesh Sharma, Son of Brij Sharma, Resident of Village - Kadawa, P.S.-
Nokha, Distt.- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 41737 of 2022

Arising Out of PS. Case No.-183 Year-2022 Thana- SASARAM NAGAR District- Rohtas

SHANKAR SAH @ BABUAN, Son of Jamindar Sah, Resident of village-
Fazalganj, Sasaram, P.S- Sasaram (T), District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33997 of 2022)

For the Petitioner/s : Mr. Raghunandan Kumar Singh, Advocate
Ms. Riya Singh, Advocate

For the State : Mr. Umesh Lal Verma, APP

For the Informant : Mr. Rajani Kant Singh, Advocate

(In CRIMINAL MISCELLANEOUS No. 41737 of 2022)

For the Petitioner/s : Mr. Sanjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-01-2023 Heard learned counsel for the parties.

The petitioners have preferred this application for grant of regular bail in a case registered under section 364A of the Indian Penal Code.

As per the prosecution case, the father of the informant was beaten up by unknown accused persons and kidnapped.



It is submitted by learned counsel appearing on behalf of the petitioner Ritesh Sharma that the F.I.R was registered against five unknown. The name of the petitioner transpired in course of investigation. The victim was recovered on 8.3.2022 and his statement under section 164 of the Cr.P.C was recorded wherein he does not name the petitioner. Even in the T.I. Parade conducted, the victim identified only two accused persons namely Shankar Sah and Aditya Kumar. The petitioner has no criminal antecedent and is in custody since 9.3.2022.

Learned counsel for the petitioner Shankar Sah submits that besides the submissions made on behalf of the other petitioner, it has transpired in paragraph no. 45 of the case diary that when the house of Kamta Paswan was raided and the victim recovered, four other accused persons were arrested which included Chandan Kumar and others but not the petitioner herein. The petitioner and the victim live in the same locality and as such there was no reason for this petitioner not to be named under section 164 of the Cr.P.C. The petitioner is in custody since 2.4.2022 and charge-sheet has been submitted.

The application for bail is opposed by learned A.P.P for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the facts of the case, so far as the petitioner



Shankar Sah is concerned, in view of the fact that the petitioner was identified in the T.I. Parade conducted by the victim, the Court is not inclined to enlarge the petitioner Shankar Sah in Cr. Misc. no. 41737 of 2022 on bail and his application is rejected.

The learned trial court is directed to expedite the trial.

Taking into consideration the grant of bail to the aforesaid accused Chandan Kumar vide order dated 20.9.2022 passed in Cr. Misc. no. 28095 of 2022, the petitioner Ritesh Sharma neither being named in the statement under section 164 of the Cr.P.C nor being identified by the victim in the T.I. Parade, his being in custody since 9.3.2022 and charge-sheet having been submitted in the case, the petitioner Ritesh Sharma in Cr. Misc. no. 33997 of 2022 is directed to be enlarged on bail in connection with Sasaram (Nagar) P.S. Case no. 183 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 the learned Chief Judicial Magistrate, Rohtas at Sasaram.

(Partha Sarthy, J)

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