

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49973 of 2022

Arising Out of PS. Case No.-82 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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Jitendra Kumar @ Jitendra @ Jitan Sahani, Male aged about 35 Years, Son of
Harday Narayan Chaudhari @ Hirdya Sahani Resident of Village - Ward No.-
12, Ramgadhwa (Baraharwa), P.S.- Motihari Muffasil, District - East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Rathore@ Kundan Kumar, Adv
For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 07-04-2023 Heard Mr. Kundan Rathore @ Kundan Kumar,

learned Counsel appearing on behalf of the petitioner and Mr.

Ram Naresh Ray, learned A.P.P. appearing on behalf of the

State.

2. The petitioner seeks pre-arrest bail in connection
with Motihari Muffasil P.S. Case No. 82 of 2019 for the offence
punishable under Sections 386, 387 and 34 of the Indian Penal
Code.

3. Prosecution story in brief is that the accused named
in the FIR including the petitioner had demanded rupees twenty
five lacs from the informant as ransom.

4. Learned counsel appearing on behalf of the



petitioner submitted that the demand has been made by one co-accused Mahanand Sahani, who had made phone call to the informant as per the FIR. Petitioner is not connected in any manner with the co-accused Mahanand Sahani nor has ever demanded any ransom from the informant. No recovery of the alleged amount has been made from the possession of the petitioner. Petitioner has no criminal antecedent.

5. Learned A.P.P. appearing on behalf of the State has vehemently opposed the grant of anticipatory bail of the petitioner.

6. Considering the nature of allegation made in the FIR, in course of the investigation, I.O. has not collected minuscule evidence against the petitioner, no recovery has been made from the possession of the petitioner or from his house or from any member of his family. I am of the opinion that petitioner has, prima facie, made out a case to be released on pre-arrest bail.

7. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of



learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Motihari Muffasil P.S. Case No. 82 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The Court below is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically loose its force.

(Purnendu Singh, J)

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