

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60651 of 2022

Arising Out of PS. Case No.-241 Year-2022 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. SURESH SAH, S/O SRI RAM KRIPAL SAH, Resident of village- Saramohanpur, P.S.- Sadar, District- Darbhanga.
 2. SONU KUMAR @ SANU KUMAR, S/O SURESH SAH, Resident of village- Saramohanpur, P.S.- Sadar, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Ajay Kumar Thakur, Adv Mr. Pankaj Kumar Das, Adv
For the State	:	Ms. Madhura Nand Jha, APP
For the Informant	:	Mr. Baidya Nath Prasad, Adv

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 30-01-2023 Heard learned counsel for the petitioners and learned APP for the State as well as learned counsel for the informant.

This Court would expect that the petitioners' counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners seek bail in connection with L.N.M.U. P.S. Case No. 241 of 2022 registered under Sections 364 and 34 of the Indian Penal Code.

As per the prosecution case, the informant's husband has not returned from his clinic. She has come to learn that the petitioners along with two other accused persons have forcibly taken him away.



They have gone to verify this information at the instant petitioners' house, wherein it is stated that a demand was made for Rs.10,00,000/- (Ten Lakh Rupees) for releasing the informant's husband. The informant has stated that on an earlier occasion, accused persons have also entered their house, used abusive language and got a bond executed in respect of some monetary transactions.

Learned counsel for the petitioners submits that from bare perusal of the FIR, it is obvious that there is some monetary transactions between the informant and the accused persons. Petitioners have enclosed photocopy of cheque issued in their favour by the alleged victim of the instant FIR, which has bounced. It is also submitted that there is no allegation that any ransom has been taken by the petitioners or the other accused persons. The alleged victim has been found at the house of co-accused Ganesh Mahto and the said Ganesh Mahto was also one of the persons who was having some money due from the instant alleged victim. The co-accused Ganesh Mahto has been allowed bail in *Cr. Misc. No. 59436 of 2022*. The petitioner is in custody since 16.07.2022.

Learned APP as well as informant has opposed the prayer for bail. It is submitted that the petitioners are named accused. Petitioner No. 1 atleast has one more antecedent. The allegation of making a demand for the alleged amount of Rs. 10,00,000/- (Ten Lakh Rupees) from the FIR appears to have been levelled against the instant petitioners.



Considering the rival submissions, the facts stated by learned counsel for the petitioners regarding issuance of cheque by the alleged victim and bouncing of the same, the facts that cheques were issued in favour of petitioner no. 2, who is son of petitioner no. 1, the period of custody and claim based on parity with co-accused Ganesh Mahto, this Court is inclined to allow the petitioners' prayer for bail.

Prayer for bail of the petitioners is allowed.

Let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. VIII, Darbhanga in L.N.M.U. P.S. Case No. 241 of 2022, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Sumit/Shashank-

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