

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 65389 of 2022

Arising Out of PS. Case No.-393 Year-2022 Thana- BANKA District- Banka

Mukesh Kumar Manjhi @ Mukesh Kumar Son of Late Manejar Manjhi R/V-
Sonari, P.S.- Banka, District- Banka

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 69559 of 2022

Arising Out of PS. Case No.-393 Year-2022 Thana- BANKA District- Banka

Pankaj Kumar Yadav Son of Dinesh Chandra Yadav Resident of Village-
Mangra, P.S.- Banka, District- Banka

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65389 of 2022)

For the Petitioner/s : Mr. Dhananjay Kumar Pandey, Advocate

For the Opposite Party/s : Ms. Rita Verma, APP

(In CRIMINAL MISCELLANEOUS No. 69559 of 2022)

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 13-03-2023

(In CR MISC No. 65389 of 2022)

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Banka



P.S. Case No. 393 of 2022 registered for the offence under Sections 364, 379 and 34 of I.P.C.

The accused/petitioner is not named in the F.I.R. and is in custody since 20.06.2022.

The allegation against the petitioner is to kidnap the co-worker/staff of the informant alongwith other co-accused persons for the purpose of ransom, as raised for Rs. 20 lakhs.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was falsely implicated in present case as victim failed to name this petitioner, while recording his statement under Section 164 of the Cr.P.C. It is also submitted that no TIP was conducted in this matter. Learned counsel further submitted that similarly situated co-accused person, namely, Rajesh Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 50382 of 2022 vide order dated 09.12.2022. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned



above, as victim failed to name petitioner while recording his statement under Section 164 of the Cr.P.C. and also admittedly, TIP was not conducted in this matter, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Banka P.S. Case No. 393 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 learned Chief Judicial Magistrate, Banka/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(In CR. MISC. No. 69559 of 2022)

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Banka P.S. Case No. 393 of 2022 registered for the offence under Sections 364, 379 and 34 of I.P.C.

The accused/petitioner is not named in the F.I.R. and is in custody since 22.06.2022.

The allegation against the petitioner is to kidnap the co-worker/staff of the informant alongwith other co-accused



persons for the purpose of ransom, as raised for Rs. 20 lakhs.

Learned counsel appearing on behalf of the petitioner submitted that the petitioner was falsely implicated in present case as victim failed to name this petitioner, while recording his statement under Section 164 of the Cr.P.C. It is also submitted that no TIP was conducted in this matter. Learned counsel further submitted that similarly situated co-accused person, namely, Rajesh Kumar has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 50382 of 2022 vide order dated 09.12.2022. It is also submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Bablu Yadav, where no incriminating material recovered/surfaced during the course of investigation to suggest the involvement of this petitioner with present occurrence. While concluding the argument, it has been submitted that petitioner found involved in one case, where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned



above, as victim failed to name petitioner while recording his statement under Section 164 of the Cr.P.C. and also admittedly, TIP was not conducted in this matter, coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Banka P.S. Case No. 393 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 learned Chief Judicial Magistrate, Banka/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

Archana/-

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