

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67166 of 2022

Arising Out of PS. Case No.-256 Year-2022 Thana- LAURIA District- West Champaran

MD. AYUB S/O BADARU ANSARI @ BADLU ANSARI Resident of
village- Badahiya Tola, P.S,- Majhaulia, District- West Champaran,

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with
Lauriya P.S. Case No. 256 of 2022 under Sections 364-A/120B
of the Indian Penal Code lodged on 06.08.2022 by the
informant, Satyendra Kumar Thakur.

The prosecution case, in brief, is that on 05.08.2022,
01.00 p. m., the informant along with his driver, Md. Yasin left
for Patna from Narkatiaganj by his Bolero Car bearing
registration no. BR22P-7887, and at about 08.00 p. m., when he
reached at the diversion near Ashok Pillar, Lauria, and the driver
had to slow down the vehicle, two masked persons suddenly
boarded the car, and pointing pistols at him, declared that the
informant had been kidnapped, they further directed to call at



his residence to send Rs. 25 lacs failing which he will be killed. Meanwhile\, the driver kept on moving the car here and there overnight and did not stop even before the police patrolling party. The informant made call at the mobile of his wife to make arrangement of Rs. 25 lacs but his wife expressed her inability in making arrangement of such huge amount.

In the morning, the vehicle was driven to Gokhula Railway Station, where he was again asked to call at home to send money. In the meantime, the driver asked them to leave, and assured that they would get money. His Computer Operator Ratnesh Kumar came to know about the incident, and he along with his associates reached Gokhula Railway Station on motorcycle in search of him, and seeing them, the Bolero Driver tried to flee away driving back the vehicle but Ratnesh Kumar stood his motorcycle blocking way and then one of the culprits managed to flee away while another along with the driver was apprehended.

On query, the apprehended person disclosed his name as Md. Ayub, and disclosed the name of the person, who managed to fee away, as Md. Nasim. The informant had reason to believe that driver Md. Yasin along with his brother Md. Nasim and his friend Md. Ayub under well laid conspiracy



kidnapped him for ransom. Accordingly, the FIR.

Learned counsel for the petitioner submits that a bare perusal of the FIR would show that an improbable story has been made out to implicate the petitioner. He had nothing to do in the matter and has already suffered by being in custody since 07.08.2022. Further submission is that he would abide by all the terms and conditions as imposed by this Court, if enlarged on bail.

Learned APP for the State opposes the prayer for bail stating that he has criminal antecedent.

Considering the fact that the petitioner is in custody since 07.08.2022 (as stated in paragraph-9 of the petition), charge sheet stands submitted and ultimately he has to face the trial, this Court is inclined to grant him bail, subject to certain conditions in view of the fact that he has criminal antecedent.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, West Champaran at Bettiah in connection with Lauriya P.S. Case No. 256 of 2022, subject to the following conditions:-

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his
bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his bail
bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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