

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37914 of 2024

Arising Out of PS. Case No.-557 Year-2020 Thana- SARAIYA District- Muzaffarpur

Pankaj Kumar @ Golu Kumar Ojha, Son of Shailendra Ojha @ Shailendra Singh R/O Village- Gopi Dhanwat, P.S.- Saraiya, Jaitpur O.P., Dist.- Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2024 1. Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in a case registered for the offences punishable under Sections 363 of the Indian Penal Code and later on, Sections 364, 302, 201 and 34 I.P.C. was also added.

3. The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in this case during the course of investigation and is in custody since 02.03.2024. It is further submitted that the informant alleges that on 18.08.2020, the son of the informant aged about 12 years had gone to play with other children in the courtyard of Panchayat Bhawan near Brahm



Asthan and her son disappeared from Manushi Chowk while coming home after playing, despite hectic search, the child could not be traced.

4. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the child became trace-less on 18.08.2020 and the F.I.R. came to be instituted on 21.08.2020 i.e. after a delay of three days without any plausible explanation. It is also submitted that F.I.R. does not even remotely raise any suspicion against anyone regarding kidnapping of the child. It is next submitted that during the course of investigation on 23.08.2020, the dead body of the child was recovered from the place near the house of Shailendra Ojha. It is submitted that after the body was recovered, the father of the victim gave a new turn to the story by alleging that associates of this petitioner namely Deepak Kumar Singh, Pathal Thakur and Prince Kumar had kidnapped the victim and after 2-3 days came at his toddy shop and demanded Rs.2 Lacs.

5. It is submitted that it does not stand to reason that if the child was trace-less since 18.08.2020 as stated by the father and if the child was kidnapped and after 2-3 days the accused had demanded ransom, then why this fact was not alleged in the



F.I.R., which amply demonstrates that the petitioner has been falsely implicated in the present case. It is also submitted that there is no eye witness to the occurrence as no witness come forward during the course of investigation as an eye witness. It is next submitted that charge-sheet has been submitted.

6. Learned A.P.P. opposes the bail application.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 4th, Muzaffarpur, West in connection with Saraiya (Jaitpur O.P.) P. S. Case No.557 of 2020.

8. The application stands allowed.

9. However, in the event, if the learned trial Court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, in that event, the learned trial Court shall forthwith cancel his bail bonds after recording reasons.

(Satyavrat Verma, J)

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