

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38649 of 2024

Arising Out of PS. Case No.-131 Year-2022 Thana- JANDAHA District- Vaishali

Roushan Kumar Son Of Manoj Sah R/O - Bediban, P.S - Pipra, Dist- East
Champaran ,motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Jandaha P.S. Case No. 131 of 2022 registered on 06.05.2022 for the alleged offences under Section 364(A), 365 & 34 of the Indian Penal Code.

03. As per prosecution case, son of the informant used to work in the organization of the petitioner along with others. Later on he resigned from the organization and handed over Rs. 9 lakh to the petitioner after adjustment of the account books. The informant has alleged that petitioner and co-accused have been putting pressure on his son for making further payment and towards this end they took the son of the informant in hostage.

04. Learned counsel for the petitioner submits that the

petitioner is innocent and has been falsely implicated in this case. The whole prosecution story is false and concocted. F.I.R. has been lodged after delay of five days for which there is no satisfactory explanation. It is not believable that son of the informant was abducted and informant kept silent for five days. In fact the son of the informant fled away and hid himself as he has defalcated money. The informant knows well about the acts of the son and lodged the F.I.R. to grab the money defalcated by his son. The son of the informant resigned on 15.05.2021 whereas the F.I.R. has been lodged after a lapse of one year. There is no allegation that any money was demanded from the informant. The son of the informant is staying with the informant and there has never been any abduction. Learned counsel further submits that the petitioner is having antecedent of four cases but he is on bail in all such cases and none of the case is of similar nature.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioner. Learned A.P.P. submits that there is specific allegation against the petitioner that he and other co-accused persons abducted the son of the informant for ransom.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the improbability of accusation, let the petitioner above named, in the

event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of Court of learned C.J.M., Vaishali, Hajipur in connection with Jandaha P.S. Case No. 131 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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