

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43046 of 2024

Arising Out of PS. Case No.-111 Year-2013 Thana- NAYAGAON District- Saran

Chandan Sonar @Rahul @ Chandramohan Kumar @ Chandan Kumar S/O
Shyam Nath sah @ Shyam Nath Gupta R/o Village Senduari, P.s.- Sadar
Hajipur, District-Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha, Advocate

For the Opposite Party/s : Mrs.Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 19-07-2024 Heard learned counsel appearing on behalf of the

petitioner and Mrs. Renu Kumari, learned A.P.P. for the

State.

2. The petitioner seeks bail in connection with

Nayagaon P.S. Case No. 111 of 2013 registered for the

offence under Sections 364(A), 201(B) and 212 of the

Indian Penal Code.

3. The accused/petitioner is not named in the

F.I.R. and is in custody since 22.07.2021.

4. The allegation against the petitioner is to kidnap

a businessman, alongwith other co-accused persons, who

released after payment of ransom money.

5. Learned counsel appearing on behalf of the



petitioner submitted that the name of petitioner surfaced on the basis of confessional statement of co-accused, namely, Arvind Devendra Ray, where nothing surfaced during the course of investigation to connect this petitioner, *prima facie*, with present set of occurrence/kidnapping. It is submitted that the name of petitioner surfaced in this case also on the basis of suspicion arises due to his criminal antecedents, as he found involved in 6 more criminal cases, where he is on bail in 5 cases, where in maximum cases, the name of petitioner surfaced on the basis of confessional statement as of present case, having otherwise no evidentiary value. It is also pointed out that petitioner did not receive any amount out of ransom money. It is submitted that several similarly situated co-accused persons have already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 3041 of 2015 vide order dated 04.11.2015. While concluding the argument, it has been submitted that investigation has been completed long-back, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail, fairly conceded that petitioner was not named in F.I.R.

7. Considering the facts and circumstances as mentioned above, as no incriminating material recovered during the course of investigation as to connect this petitioner, *prima facie*, with present set of occurrence, where petitioner is in custody since 22.07.2021 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 Nayagaon P.S. Case No. 111 of 2013 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saran at Chapra/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C. and further condition:

“(i) That the accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before



the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J.)

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