

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47388 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- SACHIVALAYA District- Patna

1. Jitendra Kumar @ Jitu, Male, aged 30 years,
2. Rajeev Kumar @ Rajeev Anand, Male, aged 33 years, Both are S/o Sanjay Sharma, Both are R/o MOHALLA -RADHAMOHAN NAGAR, P.S.- PHULWARISHRIF, DISTRICT-PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Dr. Anjani Pd. Singh, Advocate Mr. Sunny Kumar, Advocate
For the Opposite Party/s	:	Mr. Anuj Kumar Shrivastava, APP
For the informant	:	Mr. Shantanu Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 20-09-2024 Heard Mr. Dr. Anjani Pd. Singh along with Mr. Sunny Kumar, learned counsels appearing on behalf of the petitioners; Mr. Anuj Kumar Shrivastava, learned APP for the State and Mr. Shantanu Kumar, learned counsel for the informant.

2. The petitioners seek pre-arrest bail in connection with Sachiwalaya P.S. Case No. 29 of 2024 registered for the offence(s) punishable under Sections 341, 342, 323, 379, 347, 506, 504 and 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the accused persons named therein including the petitioners have kidnapped the informant, while he was going to quote quotation in the



office of Horticulture Division, Building Construction Department and thereafter the accused persons assaulted him and also snatched rupees fifty thousand, gold chain etc. from him.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have falsely been implicated in the present case. Learned counsel further submitted that there is no specific overt act against the petitioners and the allegation against the petitioners is general and omnibus. It is further submitted that informant himself is a powerful man, who does not want that any other contractor participates in tender proceeding. When the petitioners along with his father had gone to quote the quotation, then a concocted story has been cooked up in order to implicate the petitioners in a false case. Learned counsel further submitted that informant himself has admitted that the accused persons had released him after expiry of time of quotation and it is highly improbable that a person, who was kidnapped, was left without any coercive act. One similarly situated co-accused Manoj Kumar has also been granted bail by this Court *vide* order dated 14.08.2024 passed in Cr. Misc. No.48416 of 2024. Petitioners have clean antecedents.

5. Learned counsel appearing on behalf of the



informant has vehemently opposed the prayer for grant of pre-arrest bail.

6. Learned APP for the State has also vehemently opposed the prayer for grant of pre-arrest bail.

7. Considering the nature of allegation made against the petitioners and also the facts that one similarly situated co-accused has already been granted bail by this Court and petitioners have clean antecedents, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest bail.

8. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna in connection with Sachiwalaya P.S. Case No. 29 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

9. The learned District Court is directed to verify the criminal antecedents of the petitioners and if it is found that the petitioners are involved in some other cases, as what has been



stated in paragraph no.3 of the bail application, this order will
automatically lose its force.

(Purnendu Singh, J)

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