

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47569 of 2024

Arising Out of PS. Case No.-74 Year-2024 Thana- BODHGAYA District- Gaya

Chandan Kumar S/o- Saryug Paswan @ Saryug Paswan Village- Abdalpur
Ps- Warsaliganj Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prithivi Raj Singh, Adv.
For the Informant	:	Mr. Ganjendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 26-09-2024 Heard learned counsel for the petitioner and learned counsel for the Informant as well as learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Bodhgaya P.S. Case No. 74 of 2024 dated 12.02.2024 registered for the offences punishable under Sections 364A/34 of the I.P.C. Later on, Sections 25(1-b)a, 26 and 35 of the Arms Act were also added.

3. As per the prosecution case, on 11.02.2014 at about 2.30 P.M., the son of the informant, namely, Shyam Singh @ Prince, aged about 15 years, took Rs. 50/- and informed that he was going to the village- *Bhusanda* and he would return by the evening. When his son did not return in the evening, the informant started to call him on his mobile but his mobile was found



switched off. Thereafter, the informant tried to search him in the native village. At 9.18 P.M., a call was received on Mobile No. 6206134917 from the Mobile No. 6287668958 and was informed that his son was kidnapped and demand of Rs. 40,00,000/- was made from the informant. The threat was also given that if he would not give the said money then his son would be killed. It is further alleged that the informant suspected that Rishav Kumar Singh, Durga Yadav, Lalu Yadav, Sanki Manjhi and Jogindra Yadav and some other miscreants kidnapped the informant's son under conspiracy due to previous land dispute between them.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is not named in the F.I.R. The name of the petitioner has transpired on mere suspicion. No TIP has been conducted by the prosecution till date. There is a delay of one day in lodging the FIR. The victim is not 15 years old minor child rather his age is about 18 years and he had a friendly relationship with the petitioner. The petitioner is the mechanic of the vehicle and he has gone to that place to repair the vehicle. The said vehicle does not belong to the petitioner. The said recovered mobiles from the accused persons were not used in the said crime. No incriminating article has been recovered from the possession of the petitioner. The petitioner has clean antecedent as stated in



paragraph no. 3 of the bail petition. The petitioner is in custody in this case since 13.02.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. Learned A.P.P. for the State has further submitted that in paragraph no. 22 of the case diary, it has been mentioned that the petitioner and the co-accused persons were arrested by the police with the victim from the car. As per para 18 of the case diary, a country made Katta, Katamine Hydrochloride injection (two bottles) and Altropine Sulphate injection (four) were recovered from the said vehicle. The said injection was used for making he victim unconscious. The regular bail application of the co-accused persons has already been rejected by this court vide order dated 29.07.2024 passed in Cr. Misc No. 42498 of 2024.

6. Considering the aforesaid facts and circumstances of the case as well as the specific nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail.

7. The application stands rejected.

(Chandra Prakash Singh, J)

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