

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43676 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- BELA District- Sitamarhi

Ajeet Bhandari Son of Vijay Bhandari Resident of Village -Purandaha,
Rajwara Ward No 01, PS- Sonbarsa, Distt- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

6 28-02-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in connection with Bela
P.S. Case No. 23 of 2023 instituted for the offences under
Sections 364(A)/34/120(B) of the Indian Penal Code. Later
on, Section 302 of the I.P.C. has been added in this case.

3. The prosecution case, in short, is that on
11.01.2023, the son of the Informant Bishnu Prasad Sah
along with one Rohit Kumar and Krishna Pandit had gone by
motorcycle in the boarder area of Bela police station but, his
son did not return. On interrogation, Krishna Pandit disclosed
that his son and Rohit Kumar have been kidnapped by some
other accused persons. Subsequently, the Informant



received a mobile call demanding ransom amount of Rs. 20,00,000/-. Thereafter, he went with Rs. 20,00,00/- at the place fixed but, no one turned up. He again went to the co-accused/Krishna Pandit and he disclosed that on 11.01.2023 his son and Rohit Kumar have been kidnapped for ransom.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case due to dirty village politics. He further submits that the date of occurrence is of 11.01.2023 but, the written application for institution of F.I.R. has been given to the police on 21.01.2023 and, thus, there is delay of ten days in lodging the F.I.R., without there being any explanation for the same. The petitioner is not named in the F.I.R. and his name has sprung in this case on the basis of confessional statement of co-accused Ajay Kumar @ Ajay Baitha. Except confession, there is nothing on record against the petitioner. There is no eye-witness to the alleged occurrence. He further submits that actually the brother of the petitioner Sujeet Bhandari is a person of criminal background and, thus, in his absence, the police has arrested the



present petitioner. There is no direct or specific allegation of any overt act against the petitioner. He further submits that the dead bodies of the deceased have been recovered on the basis of the confessional statement of co-accused Ajay Kumar which is not binding on the petitioner. Charge-sheet has been submitted in this case but, charge has not been framed as yet. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no criminal antecedent as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 23.01.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. He submits that the co-accused Ajay Kumar confessed his guilt and admitted his complicity along with complicity of the petitioner and others and has also admitted that he along with other co-accused persons including the petitioner have committed kidnapping for ransom of the son of the Informant and Rohit Kumar and committed their murder and



hide the dead body in the orchard. He further submits that on the information of the accused persons including the present petitioner and the co-accused Ajay Kumar, the dead body of the deceased Vishnu Prasad Sah and Rohit Kumar were recovered. He further submits that at paragraph nos. 27, 28 and 39 of the case diary, there is confessional statement of the accused persons including the petitioner where they have confessed their guilt and admitted their participating in the occurrence. He further submits that the charge-sheet has been submitted against the petitioner under Section 364(A), 302, 120(B), 201/34 of the I.P.C. Learned Counsel for the State has further submitted that in the postmortem report, the cause of death has been opined due to asphyxia leading to CR failure as a result of strangulation moduled by rope like substance and, thus, the petitioner does not deserve bail.

6. Pursuant to the earlier order of a Co-ordinate Bench of this Court dated 08.01.2024, the court below has sent its report dated 15.02.2024, which is kept a Flag-A.

7. From perusal of the aforesaid report, it appears



that the case is at the verge of commitment of record to the court of sessions.

8. Considering the entire facts and circumstances of the case as also considering the rival submissions made on behalf of the parties as also taking into account the nature of allegation which is serious, this Court is not inclined to grant bail to the petitioner.

9. Accordingly, the prayer for bail of the petitioner is rejected for the present with a direction to the court below to expedite the trial and conclude the same within a period of one year from the date of receipt/production of a copy of this order.

10. If the trial is not concluded within a period of one year, as stated above, the petitioner will be at liberty to renew his prayer for bail before the court below who will dispose of the same on merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

