

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47267 of 2024

Arising Out of PS. Case No.-11 Year-2024 Thana- SUGAULI RAIL P.S. District- West
Champaran

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1. Sohail Son of Subhan Mian Resident of Vill- Khasuar, P.S.- Bettiah (Muffasil), District- West champaran.
 2. Golu Kushwaha Son of Yadunandan Kushwaha Resident of Koeri Tola, Ward No. 26, P.S.- Bettiah (Town), District- West Champaran.
 3. Mohammad Wahid @ Nanhe @ Md. Wahid Son of Md. Jahid Resident of Vill- Koeri Tola, Adarsh Nagar, P.S.- Bettiah (Town), District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Adv.
For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA
ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioners and learned
APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with GRP Sugauli (Bettiah) P.S. Case No. 11 of 2024 instituted for the offences under Sections 363, 365 of the Indian Penal Code in which charge-sheet has been submitted for the offence under Sections 364A/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against the petitioners is of abducting the brother of the Informant as well as demanding ransom of Rs. 1,00,000/- from the Informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as



alleged against them and have falsely been implicated in the present case merely on suspicion. The petitioner nos. 1 & 2 are not named in the F.I.R. and their names have transpired in this case in course of investigation. The petitioner no.3 is named in the F.I.R. Learned counsel for the petitioners further submits that on suspicion, the police apprehended two persons namely Md. Yejaj and Vivek Kumar and just to take credit of cracking the case, the police recorded their confessional statement in the police custody. He further submits that neither the petitioners have kidnapped the victim nor have made any demand of ransom. The victim has also not been recovered from the possession of the petitioners. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. No ransom amount has been paid by the Informant either to the petitioners or to anybody else. Even no harm is alleged to have been caused to the victim. The Informant is not the eye-witness to the alleged occurrence. There is even no other witness to the alleged occurrence. The petitioners have one criminal antecedent each. The petitioner nos. 1 & 2 are in custody since 18.04.2024 whereas petitioner no.3 is in custody since 07.04.2024.

5. On the other hand, learned A.P.P. for the State has



vehemently opposed the prayer for grant of bail to the petitioner. He submits that the victim Mithilesh Kumar has himself supported the prosecution case in his statements recorded under Sections 161 and 164 of the Cr.P.C. He further submits that the both the apprehended persons namely Md. Yejaj and Vivek Kumar has disclosed the name of the petitioners to be involved in the alleged occurrence. The offence alleged against the petitioners is serious in nature and, thus, they do not deserve bail.

6. Having heard learned counsel for the parties and after going through the case diary, this Court finds that there is no direct allegation against the petitioner nos. 1 & 2 of being involved in the alleged occurrence of kidnapping. Accordingly, the petitioner nos. 1 & 2, abovenamed, are directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with GRP Sugauli (Bettiah) P.S. Case No. 11 of 2024, subject to the following conditions;

- (i) One of the bailor(s) shall be the own/close family members of the petitioner nos. 1 & 2.
- (ii) The petitioner nos. 1 & 2 shall cooperate in the



trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, their bail bond shall be liable to be cancelled by the court below.

7. So far as petitioner no.3 is concerned, it appears that there is direct and specific allegation against him of being involved in the alleged occurrence and, thus, this Court is not inclined to grant bail to him.

8. Accordingly, the prayer for bail of the petitioner no.3, above named, is rejected with a direction to the court below to expedite the trial.

9. However, if the trial is not concluded within a period of nine months from today, the petitioner no.3 will be at liberty to renew his prayer for bail before the court below which will be disposed on merits without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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