

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51572 of 2024

Arising Out of PS. Case No.-156 Year-2012 Thana- RIGA District- Sitamarhi

VIKRAM TIWARI SON OF MAHAVIR TIWARI RESIDENT OF VILLAGE
- BHAGWANPUR, PIPRADHI, P.S. - RIGA, DISTRICT -SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 31-08-2024 Heard the parties.

2. The petitioner seeks bail in connection with Riga P.S. Case No. 156 of 2012 registered for the offence under Sections 365, 120(B) and 34 of the Indian Penal Code.

3. The petitioner is not named in the F.I.R. and is in custody since 25.07.2022.

4. The allegation against the petitioner is to kidnap the son and nephew of the informant, along with other co-accused persons.

5. Learned counsel appearing on behalf of the petitioner submitted that name of the



petitioner surfaced on the basis of confessional statement of co-accused, namely, Saroj Kumar, where in furtherance thereof, nothing surfaced during the course of investigation, which may connect petitioner, *prima facie*, with present set of kidnapping. It is submitted that victims named this petitioner as one of the co-accused, who was actively participated in kidnapping in their statement, recorded under Section 164 of the Cr.P.C., despite of same petitioner was never put on TIP. It is also submitted that this is not a case of kidnapping, where victims were recovered by police rather victims rescued themselves and, as such, the entire allegation against the petitioner is appearing concocted and false. It is also submitted that petitioner is involved in one criminal case, where he is on bail. While concluding the argument, it has been submitted that there is no transaction of ransom money and, moreover, investigation of this case is complete, for which, charge-sheet



has already been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP, while opposing the prayer of bail, fairly conceded that no TIP was conducted, as yet.

7. Considering the facts and circumstances as mentioned above, as TIP was not conducted, where rescue is self claimed coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 25.07.2022, accordingly the petitioner, above named, is directed to be released on bail in connection with Riga P.S. Case No. 156 of 2012 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned J.M. 1st class, Sitamarhi/ concerned court, subject to the following conditions:

“(i) That 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 Suresh Ray, who is the father of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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