

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65764 of 2024

Arising Out of PS. Case No.-614 Year-2023 Thana- DUMRA District- Sitamarhi

Md. Irshad S/o- Md. Ahsan @ Md. Ahsan Sheikh Village- Mehsaul ward
no.38, P.S- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Zaki Haider

For the Opposite Party/s : Mr.Bharat Bhushan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 20-09-2024 Heard the learned counsel for the petitioner as well
as the learned Additional Public Prosecutor for the State.

2. The petitioner is seeking regular bail in connection
with Dumra P.S. Case No. 614 of 2023 for the offences
punishable under Sections 420, 364A and 120B of the Indian
Penal Code.

3. As per allegation, on 22.12.2023, the informant,
invited by his friends Amit Singh and Pandit, came to India with
his friends Krishna Thapa. They met Amit Singh and Pandit at
Gaur and they traveled to Sitamarhi, where they visited on a
pulsar motorcycle. They stayed in a thatched house near DPS
School. The next morning, Amit Singh left with the motorcycle,
and later Pandit also departed. The informant tried to contact
them but failed. He alleged that three persons abducted his
friend and attempted to kidnap him as well, but he managed to



escape. On 24.12.2023, the informant received a call demanding rupees six lakhs as ransom for the release of his friend and the motorcycle.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The victim in his statement, under Section 164 of the CrPC, named only Amit and Pandit and did not name the petitioner. Except confessional statement of petitioner Shadab, there is nothing in the entire case diary against the petitioner. His further submission is that the confessional statement is not leading to recovery as such it is not admissible in the evidence. Learned counsel has also submitted that no TIP has been done. He has next submitted that on exactly similar footing, co-accused Md. Akbar, Md. Nayeem, Md. Shadab @ Kale and Ram Naresh Kumar, have been granted bail by this Court in Cr. Misc. Nos. 26255, 26337, 42250 of 2024. The petitioner is under custody since 26.12.2023.

5. On the other hand, learned APP has opposed the prayer for bail.

6. Considering the above-mentioned facts and circumstances, let the petitioner above-named be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand



rupees) with two sureties of the like amount each to the satisfaction of learned CJM, Sitamarhi in connection with Dumra P.S. Case No. 614 of 2023, subject to the following conditions:-

(i) The petitioner shall cooperate in the disposal of the trial and make himself available on each and every date fixed at the trial, and if he fails to appear on two consecutive dates, without any reason or unavoidable circumstances, the learned court below shall be at liberty to cancel his bail bond.

(ii) If the petitioner is found involved in future in the similar type of offence, the prosecution will have liberty to file an application before the court below for cancellation of the bail of the petitioner and the learned court below will take decision in accordance with law.

(Nawneet Kumar Pandey, J)

Nirmal/-

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

