

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71624 of 2023

Arising Out of PS. Case No.-218 Year-2022 Thana- CHAKAI District- Jamui

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PANCHU ANSARI @ PAMCHU ANSARI Son of Ismile Ansari @ Israil
Miya R/o vill - Ekdara, P.S. - Chakai, Distt. - Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71724 of 2023

Arising Out of PS. Case No.-218 Year-2022 Thana- CHAKAI District- Jamui

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MANTU YADAV S/O BASUKI YADAV R/O VILLAGE- GOBINDPUR, PS.
CHAKAI, DIST. JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 71624 of 2023)

For the Petitioner/s : Mr.Rajesh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

(In CRIMINAL MISCELLANEOUS No. 71724 of 2023)

For the Petitioner/s : Mr. Rajesh Kumar Sinha, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 05-07-2024

CRIMINAL MISCELLANEOUS No.71624 of 2023

Heard learned counsel appearing on behalf of

the petitioner and learned APP appearing on behalf of

the State.

2. The petitioner seeks bail in connection with



Chakai P.S. Case No.218 of 2022 registered for the offence under Sections 364, 387 and 34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 13.03.2023.

4. The allegation against the petitioner is to kidnap the informant and others in order to commit their murder while they were going to Kolkata with cattle loaded in three trucks bearing Registration No. WB 25 J 6699, BR 03 GA 7246 and WB 23 D 6654, after loading cattle in village Chausa, distt. Buxar. Occurrence took place at Chakai area near Ranganiya mode.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely implicated in the present case, where allegation is appearing very much superficial and omnibus in nature. It is submitted that no transaction as demanded under the threat of life as alleged was made. It is also submitted that informant and others rescued by their



own efforts and only to aggravate the allegation present false allegation was raised, which is evident from the fact that despite of approaching police at the place of occurrence itself, the F.I.R. was lodged after lapse of four days, without any just explanation. While concluding the argument, it is submitted that petitioner found involved in three more cases, where he is on bail in two cases and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as mentioned above as allegation against this petitioner is appearing general and omnibus, as to raise demand for cash of Rs. 50,000/- (Rupees Fifty Thousand), as per F.I.R., coupled with the fact that charge-sheet has already been submitted, let above named petitioner is



directed to be released on bail in connection with Chakai P.S. Case No.218 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court of learned Additional Sessions Judge-IV, Jamui/concerned court, subject to the following conditions as mentioned :-

(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 deponent of the present bail petition.



CRIMINAL MISCELLANEOUS No. 71724 of 2023

Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

2. The petitioner seeks bail in connection with Chakai P.S. Case No.218 of 2022 registered for the offence under Sections 364, 387 and 34 of the Indian Penal Code.

3. The accused/petitioner is named in the F.I.R. and is in custody since 14.02.2023.

4. The allegation against the petitioner is to kidnap the informant and others in order to commit their murder while they were going to Kolkata with cattle loaded in three trucks bearing Registration No. WB 25 J 6699, BR 03 GA 7246 and WB 23 D 6654, after loading cattle in village Chausa, distt. Buxar. Occurrence took place at Chakai area near Ranganiya mode.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been falsely



implicated in the present case, where allegation is appearing very much superficial and omnibus in nature. It is submitted that no transaction as demanded under the threat of life as alleged was made. It is also submitted that informant and others rescued by their own efforts and only to aggravate the allegation present false allegation was raised, which is evident from the fact that despite of approaching police at the place of occurrence itself, the F.I.R. was lodged after lapse of four days, without any just explanation. While concluding the argument, it is submitted that petitioner found involved in eleven more cases, where he is on bail in seven cases and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer for bail.

7. In view of the facts and circumstances as



mentioned above as allegation against this petitioner is appearing general and omnibus, as to raise demand for cash of Rs. 50,000/- (Rupees Fifty Thousand), as per F.I.R., coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be released on bail in connection with Chakai P.S. Case No.218 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court of learned Additional Sessions Judge-IV, Jamui/concerned court, subject to the following conditions as mentioned :-

(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 deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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