

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70213 of 2024

Arising Out of PS. Case No.-595 Year-2024 Thana- SAHARSA SADAR District- Saharsa

Md. Tanbir Alam @ Tanveer Alam Son of Md. Aftab Alam Resident of
Village- Bhawtia Arrha, ward No- 03, P.S.-Sour Bazar, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 05-12-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in Saharsa Sadar P.S. Case
No. 595 of 2024, instituted for the offences punishable under
Sections 364(A)/34 of the Indian Penal Code.

3. The prosecution case, in short, is that, some
unknown miscreants kidnapped the son of the informant and
demanded Rs. 50,000/- as ransom money and on default of
payment, they will kill his son.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. Charge-sheet has been submitted in this case. No
incriminating material has been recovered from the conscious
possession of the petitioner. Learned counsel for the petitioner



also submits that the petitioner is not named in the FIR. Name of the petitioner has transpired in this case on the basis of confessional statement of co-accused Alok Kumar and the same has got no evidentiary value. It is further submitted that no specific allegation has been attributed against the petitioner. The allegation levelled against the petitioner is general and omnibus in nature. The victim was not recovered from the possession of the petitioner. As per statement of victim recorded under Section 164 of the Cr.P.C. he has stated that some unknown miscreants have kidnapped him. The petitioner is in custody since 16.06.2024 and has got one criminal antecedent in which he is on bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that as per paragraph nos. 3, 4, 6, 12, 17, 22, 43, 73, 76, 90 and 87 of the case diary, the witnesses have supported the case of the informant. As per paragraph nos. 22 and 43 of the case diary, the statement of victim under Sections 161 and 164 of Cr.P.C. is recorded which supported the allegation against the petitioner. It is further submitted that Trial is already in progress and three witnesses have already been examined in this case. Hence, the petitioner does not deserve the privilege of bail.



6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. At this stage, the prayer is rejected. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

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