

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71871 of 2024

Arising Out of PS. Case No.-17 Year-2000 Thana- SALAKHUA District- Saharsa

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Laxmi Chaudhari @ Laxmi Choudhary S/o- Late Narwhingh Chaudhary
Village- Ghormaha PS-Salkhua, Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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

ORAL ORDER

3 21-11-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The petitioner seeks bail in Salkhua P.S. Case No.
17 of 2000, instituted for the offences punishable under Sections
364, 365, 448, 34 of the Indian Penal Code and Section 27 of
the Arms Act.

3. The prosecution case, in short, is that, four
unknown miscreants entered the house of the informant and
kidnapped his son with an intention to murder and after going
some distance they made firing.

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 during course of investigation on the basis of suspicion. It is further submitted that the victim has not been recovered from the possession of the petitioner. The petitioner is in custody since 23.02.2024 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is also submitted that the victim in his statement recorded under Section 164 Cr.P.C. has specifically stated that the petitioner along with other co-accused persons have kidnapped him. The statement of the witnesses recorded under Section 161 Cr.P.C. vide para-10, 11 and 12 of the case diary have supported the case of the prosecution and have also supported the kidnapping of the victim. It is further submitted that there is specific allegation of kidnapping the victim against the petitioner. 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. The prayer is rejected. The trial Court is directed to expedite the Trial expeditiously.

(Rudra Prakash Mishra, J)

Rajorshi/-

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