

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77252 of 2024

Arising Out of PS. Case No.-277 Year-2024 Thana- LAURIA District- West Champaran

Hemant Kumar @ Hemant Jaiswal @ Hemant Kumar Jaiswal Son of Hare
Ram Prasad R/o- Nara Parsauni, Bhairoganj, P.S.- Bhairoganj, District- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Shankar Pandey

For the Opposite Party/s : Mr. Aditya Narayan Singh.1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-11-2024

1. Heard learned Counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Lauria Police Station Case No. 277 of 2024, disclosing offences under Sections 309(4) of the BNS, 2023.

3. As per the prosecution case, on 12/08/2024, informant unloaded grocery items from Uttar Pradesh in a DCM truck bearing number UP 52 T- 3181 at Bettiah and was going to Gorakhpur through Lauriya. When the informant reached near Lauriya, at around 02:30 PM, a person stopped the truck by waving his hand and said that he has 42 sacks of Shuddh Plus Pan Masala which he has to unload at Chautarwa and Bagaha. Informant loaded the said goods in the vehicle and left for



Chautarwa and Bagaha at around 3:30 PM. When the informant reached near Chatkal Chowk, at around 04:00 PM, four persons came out of a white coloured Bolero vehicle and entered his truck and tied his hands, legs and eyes and moved forward with the vehicle. Those people took the informant's vehicle from Chautarwa market towards Bagaha and were taking the informant through the canal. After going ahead, informant was taken off the truck on the bank of the canal and tied to a tree with a towel. Informant felt all this on the basis of experience and environment. After some time, two people took the informant away on a motorcycle, tying his hands, legs and mouth. After about an hour, those people left him near Parsa Mathiya Chowk under Lauriya police station at around 9:30 pm and told him to open his eyes only after they leave. When those people ran away, the informant removed the towel from his eyes and saw that those people had run away. Then the informant took a mobile from the people of the village and called his owner Meraj Abdullah ji and told him everything. Around 11 o'clock, his owner came and they searched for their truck throughout the night, but despite searching a lot, his truck was not found.

4. Learned Counsel for the petitioner submits that



petitioner has not committed any offence in the manner alleged and he has falsely been implicated due to police mechanism at the instance of his enemies. Petitioner is not named in the FIR and the FIR has been registered against unknown persons. Nothing incriminating has been recovered from the conscious possession and/or house of the petitioner. He next submits that place from the where the seized articles have been recovered does not belong to the petitioner. He next submits that petitioner's name has been transpired on the basis of confessional statement of co-accused Md. Guddu.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the nature of offence and the fact that the case is still under investigation, I am not inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, rejected.

(Anil Kumar Sinha, J)

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