

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64434 of 2024

Arising Out of PS. Case No.-388 Year-2024 Thana- RAJIVNAGAR District- Patna

Rahul Kumar Son of Upendra Sharma Resident of Village - Kosdihra
(Kosdihara), P.S. - Parasbigha, District – Jehanabad Petitioner/s
Versus

The State of Bihar Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 82781 of 2024

Arising Out of PS. Case No.-388 Year-2024 Thana- RAJIVNAGAR District- Patna

Chandan Kumar Son of Jai Kishor Rai Resident of Village - Dihuri, P.S. -
Parasbigha, District – Jehanabad Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 64434 of 2024)

For the Petitioner/s : Mr. Krishna Pd. Singh, Senior Advocate
Mr.Parwej Khan, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 82781 of 2024)

For the Petitioner/s : Mr.Nityanand Neeraj
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 04-12-2024 Heard Mr. Krishna Prasad Singh, learned Senior

Counsel for the petitioner in Cr. Misc. No. 64434 of 2024

(Rahul Kumar v. The State of Bihar) and Mr. Nityanand Neeraj,

learned counsel for the petitioner in Cr. Misc. No. 82781 of

2024 (Chandan Kumar v. The State of Bihar) and the State.

2. The petitioners are in judicial custody in connection
with Rajiv Nagar P.S. Case No. 388 of 2024 for the offences
punishable under Sections 137(2) & 140(2) of the BNS, lodged
on 02.07.2024 by the informant, Ashok Singh.



3. As per the prosecution story, the informant alleged that his minor son went to the school but went missing, this led to the FIR/arrest.

4. Subsequently, the investigation took place and stopped at the door of Ankesh Aman who was the landlord where the informant was residing. It came to light that he along with Chandan Kumar (petitioner in Cr. Misc. No. 82781 of 2024) kidnapped the minor boy, kept him in the house of Ankesh Aman, was given an injection making him unconscious, taken in the car of Ankesh Aman and *en route*, another person sat in the car, whereafter, it is alleged that he was taken to the house of Chandan Kumar, kept there. It was only after the phone call of the father of petitioner, Chandan Kumar, that the boy could be rescued.

5. Learned Senior Counsel for the petitioner submits that so far as the petitioner, Rahul Kumar is concerned, in the first statement, the victim boy did not name him. Further, admitted fact is that kidnapping was executed by Chandan Kumar and Ankesh Aman, kept in the house of Ankesh Aman, injected and then taken in the car. The role of Rahul, at best, comes to have taken the front seat *en route*. Even the boy was kept in the house of Chandan Kumar, the only allegation against



him has come that he provided the injection to Ankesh Aman. Though, police after made the arrest, forced him to confess to the crime. He has no criminal antecedent.

6. So far as the case of Chandan Kumar is concerned, the case of the petitioner is that Ankesh Aman in the garb of providing employment had taken lots of money and to repay, he executed the plan in which the petitioner has been dragged. The fact remains that his father informed the informant whereafter, the child was rescued which shows his *bona fide*.

7. Learned APPs, Mr. Jitendra Kumar Singh and Mr. Bharat Bhushan jointly submit that so far as Chandan Kumar is concerned, he was part of the criminal conspiracy to kidnap the minor boy and from point one, when the boy was kidnapped, he was regularly with Ankesh Aman, whether taking to the room of Ankesh Aman, injecting him, taking him back to the car and further kept the boy in his own house which cannot be ignored. Opposition to Rahul Kumar is that, subsequently, the boy, in his statement recorded under Section 164 CrPC, named him.

8. Learned Senior Counsel submits that all through the boy named the accused, Chandan Kumar and Ankesh Aman and only after the facts were spilled by both the accused and the name of Rahul was open that in his subsequent statement, the



boy named him.

9. Considering the submissions put forward by the parties as also the allegation that has come against petitioner, **Chandan Kumar (Cr. Misc. No. 82781 of 2024)**, he being an active player in the entire episode, no relief can be granted to him. Accordingly, his bail petition stands **rejected**.

10. So far as petitioner, **Rahul Kumar (Cr. Misc. No. 64434 of 2024)**, is concerned, considering the aforesaid fact/submission that has been put forward by the learned Senior Counsel coupled with the fact that in the main conspiracy theory/kidnapping, he was not there, allegation is there of accompanying the accused in the car as also providing injection for which, having been implicated and charge-sheet submitted against him, he has to face the music. The petitioner is in custody since 05.07.2024 (para-4 of the petition) and learned Senior Counsel for the petitioner on instruction has undertaken that if granted bail, he shall be diligently appearing in the trial, in that background, his bail application stands allowed.

11. Let the petitioner, **Rahul Kumar**, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned A.C.J.M, IInd, Patna in connection with aforesaid P.S. Case



subject to the following conditions:

- (i) one of the bailors should be the family member/relative of the petitioner who shall provide official document to show his bona fide;
- (ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;
- (iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;
- (iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;
- (v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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