

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4819 of 2024

Arising Out of PS. Case No.-291 Year-2023 Thana- SARAI District- Vaishali

1. Aditay Raj S/O Dileep Kumar R/O Vill - Kashipur, Ps - Rajapakar, Dist - Vaishali
2. Rohit Kumar S/O Dinesh Rai R/O Vill - Sondho, P.S. - Goraul, Dist - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh, Adv.

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 01-04-2024 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in connection with Sarai P.S. Case No. 291 of 2023 instituted for the offences under Sections 341, 323, 365, 384, 54 and 506/34 of the Indian Penal Code.

3. As per prosecution case, the Informant and his son were going to Patna on a Container and when they reached near Lalkothi, 4-5 persons riding on a Scorpio came in close contact with the Container side by side due to which the side mirror of the Scorpio got damaged. Thereafter, all



the accused persons started to assaulting the Informant and his son and also demanded Rs. 50,000/- from them. On non-fulfillment of the same, the accused persons closed the mouth of the Informant's son namely Rahul and kidnapped him on their Scorpio vehicle.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against him and have falsely been implicated in the present case only on suspicion. The petitioners are not named in the F.I.R. The petitioner no.1 was the driver of the alleged Scorpio whereas the petitioner no.2 was the passenger on the said Scorpio. He further submits that the petitioners have not abducted the son of the Informant which itself is clear from the impugned order. In the statement of the victim made under Section 164 Cr.P.C., he has disclosed that he was kept by accused persons for 2-3 hours and he was left by them and the police recovered him from lonely place. There is no direct allegation against the petitioners rather the same is general and omnibus. It has further been pointed out that on the basis of Scorpio



registered number and E-challan, the police traced the address of the owner of the alleged Scorpio vehicle and reached there and arrested the petitioners and others. The petitioners have no criminal antecedent as has been stated in paragraph no.3 of the present bail application. He further points out that Section 384 of the I.P.C. is not attracted in this case. The petitioners are languishing in judicial custody since 04.11.2023 and the police after completion of investigation has submitted the charge-sheet in this case.

5. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners, stating that the allegation made against the petitioners is serious in nature and the victim has specifically stated U/s 164 Cr.P.C. that the accused persons have taken away and kept him about 2-3 hours with them and left him and the police has recovered him on a lonely place and, thus, the petitioner does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the



petitioners and the fact that the allegation made against the
petitioners is general and omnibus coupled with the fact that
the petitioners have no criminal antecedent, let the
petitioners, abovenamed, be released on bail on furnishing
bail bonds of Rs.10,000/- (Ten thousand) each with two
sureties of the like amount each to the satisfaction of Court
below/concerned Court in connection with Sarai P.S. Case
No. 291 of 2023.

(Rudra Prakash Mishra, J)

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