

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28188 of 2025

Arising Out of PS. Case No.-30 Year-2025 Thana- AKHODHIGOLA District- Rohtas

1. Santosh Ram @ Kalaktar @ Kailector Ram S/o Naresh Ram R/o Village- Mahowari, P.S.- Akhorigola, District- Rohtas
2. Ram Navami Paswan @ Navmi Paswan @ Nami Paswan S/o Vijay Paswan R/o Village- Mahowari, P.S.- Akhorigola, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Singh, Adv.
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Viklap, Adv.

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

5 01-09-2025 Heard learned counsel for the petitioners and Mr. Choubey Jawahar, learned APP for the State as also learned counsel for the Informant. Perused the case diary.

2. The petitioners seek bail in connection with Akhorigola P.S. Case No. 30 of 2025 instituted for the offences under Sections 137(2), 140(2), 140(1), 352, 351(3), 3(5) of the Bhartiya Nyaya Sanhita, 2023.

3. As per prosecution case, the informant's son got kidnapped from his house while the Swaraswati Puja Procession was passing through his house. It is further alleged that the informant's son and daughter of Anil Paswan were having love affair. When the Informant enquired about his son from Anil



Paswan then he was threatened with dire consequences with regard to his son by the F.I.R. named accused persons. It is further alleged that, later on, the dead body of the deceased was recovered by the police.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case merely on the basis of suspicion. There is no specific or direct allegation of any overt act against the petitioners rather the same is general and omnibus in nature. The petitioners are not named in the F.I.R. and his name has surfaced in this case in course of investigation on the basis of confessional statement of the co-accused JK @ Chandan Paswan recorded before the police which has no evidentiary value in the eye of law. The petitioners happen to be the relative of Anil Paswan whose daughter was having love affair with the deceased and, only due to this reason, the petitioners have been implicated in the present case. He further submits that except suspicion, there is nothing adverse against the petitioners in the entire record of the case. The petitioners have no criminal antecedent and are languishing in judicial custody since 17.02.2025 without any rhymes or reason.



5. On the other hand, learned A.P.P. for the State and the Informant have vehemently opposed the prayer for grant of bail to the petitioners, stating that the offence alleged is serious in nature. He further submits that from para-37 of the case diary, it appears that the dead body of the informant's son has been recovered by the police. The co-accused JK alias Chandan Paswan in his confessional statement has confessed his guilt and has also stated about the involvement of the petitioner in the alleged occurrence.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case, the period of custody of the petitioners, the petitioners having no criminal antecedent as also there being no specific allegation against the petitioners, let the petitioners, abovenamed, be released on bail, *after framing of charge if not already framed*, on furnishing bail bonds of Rs.15,000/- (Fifteen thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Akhorigola P.S. Case No. 30 of 2025, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioners.

(ii) The petitioners shall cooperate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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