

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31728 of 2025

Arising Out of PS. Case No.-263 Year-2024 Thana- ITARHI District- Buxar

- 1. Vikash Kumar, S/o Harendra Ram @ Harendra Rai, R/o Village- Jamira, P.S.- Muffasil Ara, District- Bhojpur (Ara)
- 2. Aman Raj, S/o Kamlesh Ram, R/o Village- Dulhinganj, P.S.- Jagdishpur, District- Bhojpur (Ara)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 33267 of 2025

Arising Out of PS. Case No.-263 Year-2024 Thana- ITARHI District- Buxar

Ramesh Kumar, Son of Ramadhar Singh, R/O Village - Bashishthpuri, New Police Line, Ara, P.S - Nawada, District - Bhojpur,Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 36313 of 2025

Arising Out of PS. Case No.-263 Year-2024 Thana- ITARHI District- Buxar

Ritu Kumar, son of Raghuwar Paswan @ Raghuvar Paswan, Village- Jamira, PS- Muffasil Ara, Dist- Bhojpur Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 31728 of 2025)
For the Petitioner/s : Mr. Anil Kumar Singh, Adv
For the Opposite Party/s : Mr. Ram Sumiran Rai, Adv
(In CRIMINAL MISCELLANEOUS No. 33267 of 2025)
For the Petitioner/s : Mr. Nawal Kishor Prasad, Adv
For the Opposite Party/s : Ms. Renu Kumari, Adv
(In CRIMINAL MISCELLANEOUS No. 36313 of 2025)
For the Petitioner/s : Mr. Mritunjay Kumar, Adv



For the Opposite Party/s : Mr. Surendra Kumar, Adv

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 06-08-2025 Heard the parties.

2. The petitioners seek grant of bail in connection with Sessions Trial No. 43 of 2024 arising out of Itarhi P.S. Case No. 263 of 2024 registered for the offence punishable under Sections 140(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly while the son of the informant namely Subham Kumar @ Lucky aged about 18 years had gone to bring medicines on 21.11.2024, he did not return for a long time. In the mean time, the informant received a call from the mobile number of the informant's son. The caller threatened that her son has been kidnapped and a ransom of Rs. 6 lakh demanded; in case of non-payment, she was threatened that her son will be eliminated.

4. Learned Advocate appearing on behalf of the petitioners submitted that the FIR has been instituted against unknown miscreants. During the course of investigation on the basis of the tower location, the police apprehended five persons including the petitioners with the victim. The statement of the victim was recorded under Section 183 of the Bharatiya Nagarik



Suraksha Sanhita. However, he has not made any specific allegation as to who has kidnapped him. It is also submitted that no amount has ever been given to anyone for release of the victim. During the course of investigation it also transpired that all the accused person as well as the victim boy were indulged in trafficking of illicit wine and on account of some differences between the accused persons and the petitioner, they kept him captive and taking advantage of this, the present FIR has been instituted at the behest of his mother. Taking note of the aforesaid facts and the materials collected during the course of investigation, one of the co-accused person having identical allegation namely Tunnu Kumar Singh has been accorded the privilege of regular bail by this Court in Criminal Miscellaneous No. 30067 of 2025. So far the Test Identification Parade is concerned, the same has taken place for about a delay of three months and all the more the victim and the petitioners were known to each other.

5. On the other hand, learned Additional Public Prosecutor(s) for the State vehemently opposes the bail application and submitted that the serious allegation has been leveled that the victim was kidnapped by the petitioners and other accused persons and a call of ransom was made. The



police apprehended the petitioners with the victim boy and he has disclosed the complicity of the petitioners and later on, also identified them on the Test Identification Parade.

6. Considering the submissions set forth by learned Advocate for the parties and taking note of the materials collected during the course of investigation, coupled with the contradictory statements of the informant and the victim, as also the case of the petitioners based on parity, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount **each** to the satisfaction of learned District and Sessions Judge-I-cum-Special Judge, SC/ST Act, Buxar in connection with Sessions Trial No. 43 of 2025 arising out of Itarhi P.S. Case No. 263 of 2024, subject to a condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case. Two consecutive absence of the petitioner could lead to cancellation of the bail bond of the petitioner.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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