

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32866 of 2025**

Arising Out of PS. Case No.-119 Year-2002 Thana- SARAI District- Vaishali

1. Mukesh Kumar Singh @ Mukesh Kumar Son of Late Ram Sagar Singh Resident of Village- Kadilpur PS- Jandaha, Dist- Vaishali
2. Harendra Singh Son of Late Ram Vinod singh Resident of Village- Kadilpur PS- Jandaha, Dist- Vaishali

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Bhola Prasad, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai,APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      01-12-2025                      Heard learned counsel appearing on behalf of the  
  
petitioners and learned A.P.P. for the State.

2. The accused/petitioners seek bail in connection with Sarai P.S. Case No. 119 of 2002 registered for the offences under Sections 364, 120(B)/34 of the Indian Penal Code.

3. The accused/petitioner no. 1 namely, Mukesh Kumar Singh is named whereas petitioner no. 2 namely, Harendra Singh is not named in the First Information Report and are in custody since 20.03.2025.

4. As per FIR, named and unknown accused persons kidnapped/abduct the victim namely, Ram Shankar Singh,



who is the father of informant aged about 52 years.

5. It is submitted by learned counsel appearing on behalf of the petitioners that both the parties are immediate family members and these petitioners are none but the nephew of the victim. It is submitted that from the statement of the victim as recorded under section 164 Cr.P.C., it can be gathered safely that the occurrence took place in the background of land dispute and monetary transactions arising thereof. It is not a case where kidnapping was alleged to be done with intention to commit murder or for ransom.

6. While concluding argument, it is submitted that petitioners are the men of clean antecedent and, moreover, investigation of this case is already concluded, for which charge-sheet has been submitted and as such, there is no chance of tampering with the evidence.

7. Learned A.P.P. for the State, while opposing the prayer for bail of the petitioners, submitted that present occurrence is of the year 2002, but these petitioners were remains absconder for long so many years.

8. Taking note of the aforesaid submission, it is



pointed out by learned counsel for the petitioners that initially both petitioners have compromised the matter being family dispute with informant and, therefore, the petitioners were not appearing before the court proceeding for several years under impression that the things was settled, but when he came to know about the present proceeding that still the matter is pending before the court of law, they on their own surrendered before the learned trial court on 20.03.2025.

9. In view of aforesaid factual submission and by taking note of statement of victim as recorded under section 164 of Cr.P.C. where the crux of dispute appears founded on monetary transaction due to land selling, coupled with the fact that petitioners, who are the men of clean antecedent, remain in custody since 20.03.2025, where investigation of this case is already completed, accordingly, above-named petitioners are directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VII, Vaishali at Hajipur/concerned court, in connection with Sarai P.S. Case



No. 119 of 2002, subject to the condition as laid down under  
Section 437(3) Cr.P.C/Section 480(3) of the Bhartiya  
Nagarik Suraksha Sanhita (in short “B.N.S.S.”) with further  
condition:

- (I) That petitioners shall not made any attempt to delay trial, failing so, the State/informant shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioners, which shall be decided by trial court itself after giving opportunity of hearing to the petitioners.
- (ii) Accused/Petitioners shall physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioners duly supported by the documents.

(Chandra Shekhar Jha, J)

Rajeev/-

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