

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63306 of 2024

Arising Out of PS. Case No.-23 Year-2023 Thana- BELA District- Sitamarhi

Shams Azad @ Azad Master, Son of Late Md. Farid Uddin Mohammad @
Late Fariduddin R/o Village- Parsa, P.S.- Bela, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

6 09-04-2025 Heard Mr. Ashhar Mustafa, learned counsel for the
petitioner and Ms. Asha Kumari, learned APP for the State.

2. The petitioner has prayed for bail in connection with Sessions Trial No. 333 of 2024 arising out of Bela P.S. Case No.23 of 2023 registered for the offence punishable under Sections 364A, 302, 120(B) and 201/34 of the Indian Penal Code.

3. The case of the prosecution is that the son of the informant, namely, Vishnu Prasad Sah having mobile number of +9779819627476 told to him on mobile that he is going with his friend Rohit Kumar and Krishna Pandit on pulsar bike towards India border, Bela P.S. on 12.01.2023. When he did not return for a considerable time, the informant started searching. During search, Krishna Pandit disclosed him that his son has



crossed the India border. The informant received call on his mobile from the mobile of his son on 13.01.2023 and Rs. 10 lakhs was demanded by the caller who was not his son. On 14.01.2023, another phone call was received by the informant wherein Rs. 50 lakhs was demanded otherwise his son and Rohit Kumar will be killed. Anyhow, the matter was settled in Rs. 20 lakhs. On 21.01.2023, the informant went at the specified place in Bela P.S. with Rs. 20 lakhs, but nobody came there and the mobiles were switched off. When the informant asked Krishna Pandit in presence of villagers then he disclosed that his son and Rohit Kumar have been kidnapped by the petitioner and others and only they were demanding the ransom.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. It has further been submitted that the name of this petitioner has surfaced in the statement of Krishna Pandit. During investigation, three persons were apprehended by the police. One Ajay Baitha gave his confessional statement before police and in his confessional statement, he has given every details as to how the offence was committed. On the basis of disclosure of Ajay Baitha, the dead body was also recovered.



However, the said recovery is inconsequential so far as it relates to the case of the petitioner in as much as no incriminating material was ever recovered either from his actual or constructive possession. It is further made clear that neither the petitioner has ever made any ransom call nor he has anything to do with the mobile or sim which was allegedly used for demanding ransom. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge (IX), Sitamarhi in connection with Sessions Trial No.333 of 2024 arising out of Bela P.S. Case No. 23 of 2023.

(Ashok Kumar Pandey, J)

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