

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75871 of 2024**

Arising Out of PS. Case No.-161 Year-2020 Thana- BIDUPUR District- Vaishali

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1. Amod Pandey S/O Late Shiv Shankar Pandey Resident of Village- Mayil (Mile), Police Station- Bidupur, Distt.- Vaishali.
  2. Nitish Kumar @ Nitish Kumar Pandey S/O Subodh Pandey Resident of Village- Mayil (Mile), Police Station- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

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

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**CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY**  
**ORAL ORDER**

4      24-03-2025                      Heard Mr. Ranjeet Kumar, learned counsel for the  
petitioners and Ms. Nirmala Kumari, learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under Sections 364, 302, 34 of the Indian Penal Code.

3. The case of the prosecution is that on 07.05.2020, at about 09:00 PM, the son of the informant namely, Rajiv Kumar, was going to doctor when the petitioners along with other co-accused persons, kidnapped him. Furthermore, it is alleged that at 12:10 AM, in the middle of the night, her son called the mobile of her elder son, Raushan Kumar, and informed that he had been kidnapped by the named persons in the FIR. After that,



his mobile phone was switched off. Then the elder son of the informant called Mukhiya and Bidupur Police and reached at the house of accused, Gautam Pandey, at about 01:30 AM and knocked on his door, but the door was not opened. Thereafter, the police called for additional police force and the son of Zila Parishad, Anjan Kumar Singh, and then the door was opened and the informant's son, Rajeev Kumar, was found in semi-conscious condition. The police took him to PHC, Bidupur, where he died.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. They have falsely been implicated in this case. They have got no criminal antecedent. It is also submitted that after investigation, charge-sheet bearing number 753/23 against Harsh Kumar was filed in which the petitioners were exonerated. Thereafter, the police prayed for process against the petitioners. Further it is submitted that the deceased, Rajeev Kumar had criminal history and he has been assaulted by some unknown persons. It has further been submitted that after report nine, the name of these petitioners included in the charge-sheet. In this case, the main thrust of allegation is against Gautam Pandey from whose house, the victim was recovered. Similarly situated other co-



accused persons have been granted bail by Co-ordinate Bench of this Court vide Cr. Misc. No. 15325 of 2022. It is further submitted that the petitioners are languishing in judicial custody since 12.08.2024

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Bidupur P.S. Case No. 161 of 2020 on furnishing bail bond of Rs.10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur.

**(Ashok Kumar Pandey, J)**

Sudhanshu/-

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