

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82419 of 2024

Arising Out of PS. Case No.-311 Year-2024 Thana- JHAJHA District- Jamui

Dipak Thakur @ Dipak Kumar Son of Dashrath Thakur Resident of Village -
Gauri Amba, P.S. - Bhairoganj, District - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 19-02-2025 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with Jhajha
P.S. Case No. 311 of 2024 instituted for the offences under
Sections 140(2), 126(2), 109, 127(2), 3(5) of the Bhartiya
Nyaya Sanhita.

3. As per prosecution case, the petitioner is alleged
to have helped in kidnapping the Informant and his associate
along with their Thar vehicle, taking them to the forest and
they demanded fifty lakh rupees as ransom.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and he has been falsely implicated in



the present case with false and frivolous allegations. The petitioner has not committed any offence as alleged in the F.I.R. The petitioner is not named in the F.I.R. and his name has transpired in this case on the basis of the confessional statement of the co-accused Mahesh Kumar Yadav and, except confessional statement of the co-accused, there is nothing adverse against the petitioner. He further submits that nothing incriminating has been recovered from the conscious/physical possession of the petitioner or from his house. The T.I.P. has been conducted in this case. He petitioner has no concern with the alleged recovery of article and has been implicated in this case merely on the basis of suspicion. He further submits that the co-accused Sudhir Paswan, from whose house, the petitioner was arrested, has already been granted bail by the learned court below. The petitioner has no criminal antecedent and is languishing in judicial custody since 25.07.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the



petitioner, stating that the offence alleged against the petitioner is serious in nature. The name of the petitioner has surfaced in this case on the basis of the confessional statements of the co-accused persons. Different witnesses have supported the prosecution case. Para-41 of the case diary shows that the petitioner has been arrested from the house of the co-accused Sudhir Paswan. The police has also recovered the looted article such as driving licence, Aadhar card, ATM Card, Purse etc. of the victim Kumar Rahul Nehru. Charge-sheet has been submitted against the petitioner under Sections 140(2), 126(2), 115(2), 109(1), 127(2), 61(2), 3(5) of the Bhartiya Nyaya Sanhita.

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 petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, ***after framing of charge if not already framed***, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned



Court in connection with Jhajha P.S. Case No. 311 of 2024,
subject to the following conditions;

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

(ii) The petitioner 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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