

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86008 of 2024

Arising Out of PS. Case No.-425 Year-2024 Thana- PARSABAZAR District- Patna

Saroj Kumar S/O Mr. Sadhusharan Singh Resident of Village- Nathupur Tola,
P.S- Parsa Bazar, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nikesh Kumar, Advocate
Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 3 22-04-2025 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.
2. The petitioner apprehends his arrest in connection
with Parsa Bazar P.S. Case no.425 of 2024 registered under
sections 140(1), 140(3) and 61(2) of the B.N.S., 2023.
3. As per the prosecution case, friend of the informant
Awadhesh Prasad was kidnapped from a plot by the four
unknown accused persons including the petitioner herein and he
was taken away in a car.
4. Learned counsel for the petitioner submits that the
F.I.R was registered against unknown. The name of the
petitioner has transpired during course of investigation very
vague in the statement of the victim under Section 180 of the



B.N.S.S and on the basis of confessional statement of co-accused Hira Prasad and Niraj made before police. He further submits that the victim was recovered within two hours of the occurrence and subsequently his statement was recorded under Section 180 and Section 183 of the B.N.S.S. wherein he stated that he was taken by the four accused persons to Bigrahapuram Development Office, Soranpur, who assaulted him. He has further stated that one person amongst them was being referred as Sanjay Bhaiya and the other as Hira. The victim in his statements, has never taken the name of this petitioner that he was involved in the alleged kidnapping. Learned counsel for the petitioner submits that co-accused Sanjay Kumar Yadav @ Sanjay Yadav who is named in the statement of the victim, has been granted anticipatory bail by this Court vide order dated 21.04.2025 passed in Cr. Misc. No. 78837 of 2024 and the case of this petitioner stands on a much better footing. The petitioner has two criminal antecedents in which he is on bail and undertakes to cooperate in the case/trial.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the victim who submits that the petitioner is one of the persons who were involved in the kidnapping of the victim. He further submits that



the C.D.R collected during the course of investigation also shows that the petitioner had talked with other accused persons.

6. Taking into consideration the fact that the victim was recovered in two hours and with regard to the allegation of assault by four accused persons, there is no injury report available on record and also considering the fact that the name of the petitioner has transpired in the confessional statement of accused made before police which has no evidentiary value, it is directed that the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Parsa Bazar P.S. Case no.425 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Patna, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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