

Ram Babu Singh vs The State Of Bihar on 27 June, 2023

Author: Satyavrat Verma

Bench: Satyavrat Verma

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20504 of 2023
Arising Out of PS. Case No.-426 Year-2013 Thana- BEGUSARAI MUFFASIL D
Begusarai
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Ram Babu Singh, S/O Late Ramdeo Singh R/O Village- Akhtiyarpur Rajaura,
P.S- Mufassil, Distt.- Begusarai

... .. P

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ashok Kumar
For the Opposite Party/s : Mr.Bishweshwar Ram
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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 27-06-2023

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Section 363/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that petitioner along with other named accused persons were involved in the kidnapping of his son in the Year 2013.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that the date of occurrence is 18.10.2013 and the F.I.R. came to be instituted on 24.10.2013 i.e. after a delay of Patna High Court CR. MISC. No.20504 of 2023(3) dt.27-06-2023 nearly more than six days. It is further submitted that the child was recovered in the Year 2013 itself and in his statement was recorded under Section 164 of the Cr.P.C., but from perusal of the statement of the child and the allegation as alleged in the F.I.R., it would manifest that there is variance that is in the F.I.R. the allegation is that the child was kidnapped while he had gone to see the newly constructed building whereas child in his statement has stated that the accused persons including the petitioner disclosed that the mother was unwell and on that pretext took him

away. It is next submitted that the child also disclosed that he was working in a Hotel in Himachal Pradesh, but then the said fact has not been verified by the police. It is further submitted that if the victim was working in a Hotel in Himachal Pradesh, then nothing prevented him from informing his parents about his kidnapping or disclosing it to the owner of the Hotel or to the police in Himachal Pradesh, which further goes to demonstrate that the being agnate of the informant having land dispute came to be implicated falsely.

It is further submitted that co-accused Ram Chandra Singh has been granted the privilege of anticipatory bail by a learned Coordinate Bench by order dated 22.06.2023 in Cr. Misc. No.12099 of 2023 and order dated 23.06.2023 in Cr.

Patna High Court CR. MISC. No.20504 of 2023(3) dt.27-06-2023 Misc. No.18923 of 2023 respectively.

Learned A.P.P. opposes the bail application. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Begusarai in connection with Mufassil P. S. Case No.426 of 2013, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J) vikash/-

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