

Bhanu Pratap Chaubey vs The State Of Bihar on 9 January, 2025

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.89646 of 2024

Arising Out of PS. Case No.-197 Year-2024 Thana- KUDRA District- Kaimur

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Bhanu Pratap Chaubey Son of Late Laxman Chaubey @ Lakshman Chaubey
Resident of Mauja -Saitha, P.S- Sonhan, District- Kaimur at Bhabhua

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA

ORAL ORDER

2 09-01-2025

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

2. The petitioner seeks bail in connection with Kudra P.S. Case No. 197 of 2024 instituted for the offence under Sections 363, 365/34 of the Indian Penal Code (for brevity 'IPC'). Subsequently Sections 370/120B of the I.P.C. was added.

3. Prosecution case as emanated from the FIR is that two unknown miscreants abducted the son of the informant aged about 1 ½ years and fled away on a motorcycle.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 25-07-2024 and is a man of clean antecedent.

Patna High Court CR. MISC. No.89646 of 2024(2) dt.09-01-2025

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case due to enmity and dirty village politics. Petitioner is not named in the FIR. Learned counsel for the petitioner submits that on the basis of CCTV footage, the police arrested co- accused Chintu Prasad and on the disclosures made by him, the police raided the house of co-accused Gudiya Devi @ Puja and recovered the kidnapped child and also arrested the co-accused Gudiya Devi, Pintu Kumar and Bhanu Pratap Chaubey (the petitioner) on spot. He further submits that even the co-accused Chintu Prasad in his confessional statement has not taken the name of the petitioner. He further submits that nothing incriminating has been recovered from

the conscious possession of the petitioner.

6. Learned counsel for the petitioner again submits that the co-accused namely Nitish Kumar Singh @ Bimallesh and Shan Kumar @ Sani Kumar @ Mangaru @ Mangru Rai have already been granted bail by this Court vide orders dated 22.10.2024 and 24.10.2024 passed in Cr. Misc. Nos. 74956 of 2024 and 76398 of 2024 respectively.

7. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

Patna High Court CR. MISC. No.89646 of 2024(2) dt.09-01-2025

8. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, clean antecedent of the petitioner and claim for bail based on parity, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner be released on bail 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 Kudra P.S. Case No. 197 of 2024.

(Rudra Prakash Mishra, J) rishi/-

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