

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.34247 of 2014

Arising Out of PS.Case No. -3 Year- 2014 Thana -SHYAMPUR BHATHA District- SHEOHAR

1. Rohit Kumar Singh @ Chhotu @ Rohit Singh Son of Shri Ajay Kumar Singh Resident of Village-Sipar, Police Station-Basantpur, District-Siwan, presently residing at Resident of Village-Manpur, Police Station-Shyampur, Bhatha, District-Sheohar.

.... .. Petitioner/s

Versus

1. The State of Bihar

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh
For the Opposite Party/s : Mr. Nagendra Pd.(App)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 24-03-2015 Heard both sides.

The petitioner apprehends his arrest for the offences under section 364 and other sections of the I.P.C.

It is alleged that in the night of 13/14-1-14 the criminals confined the informant and others and they began to assault the informant and his brother Pragas Sahni and nephew Ravindra Sahni. The criminals took Ravindra Sahni with them in order to search Mohan Sahni and thereafter Mohan Sahni was kidnapped. The informant named the petitioner along with other accused

persons.

Mr. Kanhaiya Prasad Singh, learned senior counsel for the petitioner submits that the occurrence took place in the dead of night, and there is no source of identification. The informant, however, named the petitioner along with other accused persons. During the course of investigation, Rabindra Sahni, who is also said to have been kidnapped, did not disclose the name of the petitioner and any other accused persons. Except the informant, Pragash Sahni and Sohan Sahni, no body has named the petitioner. The victim Mohan Sahni was accused in Shampur Bhattha P.S. Case No. 25 of 2008 for kidnapping Rajesh Kumar, son of Babban Pd. Singh. In the aforesaid case Prahlad Sahni, the informant, is also an accused. Mohan Sahni had been absconding .

On the other hand, learned A.P.P. opposed the prayer for bail. He submits that the informant named the petitioner and other accused persons and alleged that he identified the petitioner and others, who had come in order to kidnap Mohan Sahni. Prahlad Sahni also disclosed the name of some of the accused persons. Of course, some of the inmates did not identify the petitioner and others, but the informant and Sohan Sahni, the brother of Mohan Sahni, disclosed the name of the petitioner.

It is submitted that one of the accused, namely, Sudhir

Kumar Singh has been granted anticipatory bail by this Court in Cr.Misc. No. 27959 of 2014 on 3-11-2014 but his case stands on different footing.

Having considered the facts that the informant and his son have very categorically stated that the petitioner and others kidnapped Mohan Sahni and Mohan Sahni is still traceless, I am not inclined to enlarge the petitioner on anticipatory bail. The same is rejected.

(Prabhat Kumar Jha, J)

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