

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8353 of 2015

Arising Out of PS.Case No. -705 Year- 2014 Thana -SAHARSA District- SAHARSA

1. Parem Kumar Verma @ Prem Kumar Verma Son of Late Chandeshwar Verma Resident of Mohalla - Pashu Palan Colony, Ward No. 2, Police Station - Saharsa, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.12079 of 2015

Arising Out of PS.Case No. -705 Year- 2014 Thana -SAHARSA District- SAHARSA

1. Mantu Verma @ Mantu Kumar Verma Son of Chandeshwar Verma Resident of Mohalla- Pashu Palan Colony, Ward no. 2, Police Station- Saharsa, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.8353 of 2015)

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Vinod Shankar Modi (APP)

(In Cr.Misc. No.12079 of 2015)

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Surendra Kumar (APP)

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 01-05-2015 Cr.Misc.No.8353/2015 wherein Parem Kumar Verma @ Prem Kumar Verma is the petitioner and Cr.Misc.No.12079/2015 wherein Mantu Verma @ Mantu Kumar Verma happens to be the petitioner commonly originate out of Saharsa Sadar PS Case No.705/2015, on account thereof, both have been heard together and are being disposed of by a common order.

It has been alleged by the informant, Ranju Singh that



on 15.09.2014 at about 6:00-7:00 p.m., her daughter, Kumari Madhavi @ Guddan was kidnapped by Prem Kumar Verma, Chandeshwar Verma, Mantu Verma and one unknown person on motorcycle. During course thereof, they have also said that as they deposed against them hence, she will be eliminated. It has also been stated that all of them happen to be accused in Saharsa PS Case No. 269/2009.

The victim is still traceless. However, learned counsel for the petitioners submits that the victim is a major and that has been considered in the case earlier instituted by father of the alleged victim, namely, Ranjit Kumar bearing Saharsa PS Case No. 267/2009 instituted for kidnapping of victim. It has also been submitted that there happens to be love affair and that is the reason behind that the present case which was registered at an earlier occasion under Section 364 IPC, has been concluded by way of submission of charge-sheet under Section 366/34 of the IPC. That being so, it has been submitted that petitioner, Prem Kumar Verma @ Prem Kumar Verma is entitled for anticipatory bail.

In likewise manner, it has been submitted that petitioner, Mantu Verma @ Mantu Kumar Verma is under custody since 19.09.2014. It has been submitted that co-accused, Chandeshwar Verma had already been granted bail vide

Cr.Misc.No. 10495/2014 and the case of the petitioner stands on similar footing. Hence, he be enlarged on bail.

Learned APP as well as learned counsel appearing for the informant opposed the prayer.

Because of the fact that the victim has not yet been traced out, therefore, the part played by each of the petitioners is yet to be ascertained. From perusal of the written report, it is apparent that it happens to be petitioner, Mantu Verma @ Mantu Kumar Verma who took control over the victim and at that very moment, he had pointed out pistol towards the victim. With regard to material having been collected in an earlier case, that cannot be used in the present case, more particularly, as it happen to be relating to subsequent event of kidnapping without having presence of victim till today. That being so, I do not see it a fit case for grant of anticipatory as well as regular bail. As such, both the petitions are, accordingly, rejected.

(Aditya Kumar Trivedi, J)

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