

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.26217 of 2015**

Arising Out of PS.Case No. -67 Year- 2015 Thana -DIGHWARA District- SARAN  
=====

1. Rajesh Kumar Yadav son of Shri Moti Lal Yadav @ Moti Lal Rai  
Resident of Village - Kanhauli, Police Station - Basantpur, District - Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s  
=====

with

**Criminal Miscellaneous No.28198 of 2015**

Arising Out of PS.Case No. -67 Year- 2015 Thana -DIGHWARA District- SARAN  
=====

1. Md. Shahabuddin S/o Phulsharif Miyan Resident of Villag Madarpur,  
P.S. Basantpur, District Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s  
=====

**Appearance :**

(In Cr.Misc. No.26217 of 2015)

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Opposite Party/s : Mr. B.M.P.Sinha(App)

(In Cr.Misc. No.28198 of 2015)

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Opposite Party/s : Mr. Arvind Kumar Pandey(App)  
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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA**  
**ORAL ORDER**

3      12-10-2015      Above noted both the applications have arisen out of one occurrence i.e. Dighwara P.S. Case No. 67 of 2015 registered for the offences punishable under Sections 364/34 of the Indian Penal Code as such they have been heard together and are being disposed of by this common order.



As per first information report, the husband of the informant was called by Puri Baba bearing Mobile No. 7779829830 and Bablu whose mobile number is 7631741665 and when her husband along with Salauddin went to Dighwara and then Puri Baba kidnapped them but the kidnappers released one person and took away her husband. During investigation the police raided the house of Phulsharif the father of petitioner Sahabuddin and recovered the victim. In the statement recorded under Sections 161 and 164 of the Cr.P.C. the victim has named the petitioners that the petitioner Rajesh was driving the Bollero and he caused threats to kill him and the petitioner Sahabuddin used to assault him and further they were demanding ransom of rupees one crore and for that he was allowed to talk with his wife.

Submission is of false implication and that the petitioners are not named in the FIR, no TIP has been conducted in this case and the petitioners have got no criminal antecedent. No case under Section 364 IPC is made out against them and as such, they deserve sympathetic consideration to which learned APP duly assisted by learned counsel for the informant opposes the prayer of bail by submitting that after recovery the victim has stated the names of both the petitioners regarding their complicity in the crime and ransom of rupees one crore was demanded and as such,

they do not deserve bail. Para 35 and 38 of the case diary have been referred in this regard.

In the facts and circumstances stated above, considering the allegations attributed against the petitioners to be serious in nature, this Court is not inclined to enlarge the petitioners on bail at this stage, accordingly, their such prayer stands rejected.

However, the petitioners may renew their prayer for bail after framing of charge.

**(Jitendra Mohan Sharma, J)**

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