

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31689 of 2014

Arising Out of PS.Case No. -311 Year- 2008 Thana -SIWAN COMPLAINT CASE District-
SIWAN

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1. Arbind Kumar Singh Son of Sri Ram Singh resident of village-
Gyashpur, Uttar Tola, P.S.- Siswan, District- Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Krishna Singh

For the Opposite Party/s : Mr. Shailendra Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

2 19-04-2016 Heard learned counsel for the petitioner.

This is an application for quashing the order dated 13.05.2013 passed by 1st Additional Sessions Judge, Siwan in Cr. Revision No. 123 of 2008 by which the learned Additional Sessions Judge confirmed the order dated 13.05.2008 passed by the learned Judicial Magistrate, 1st Class, Siwan, dismissing Complaint Case No. C311 of 2008.

The prosecution case, as alleged in the in the FIR, is that one Arun Kumar Singh along with one another person came on a motorcycle at the door of the complainant and agreed to pay Rs. 800/- for carrying sand from Diara to village Budhaila. The complainant proceeded for loading sand but in the way near Daudpur, at a lonely place, he was stopped and two persons came



and thereafter on the point of pistol they kidnapped him. His eyes were closed with the handkerchief. They asked him not to raise hulla otherwise he will be killed. After kidnapping, he was confined in a room at a lonely place. It is further alleged that one Arun Kumar Singh assaulted him and demanded ransom of Rs. 5 lacs from his family members and also threatened them that if they inform the police, the complainant will be killed. Further case is that the demand was made from the family members but the family members did not file any case. It is further alleged that on 24.5.2006, in the midnight, while the kidnappers were sleeping after taking liquor, any how he managed to escape from there.

From perusal of the records it appears that earlier a case was instituted with regard to the allegation with the police. However, it is submitted that the police, after investigation, submitted final form and in the meantime protest-cum- petition was filed alleging that the investigating officer being in collusion with the accused has submitted final form. The magistrate recorded the statements of the complainant and the witnesses, who were examined and cross examined and taking into consideration the materials on record, the learned Magistrate dismissed the complaint petition on the ground that no prima facie case is made out against the accused persons. The petitioner

preferred criminal revision against the order of the learned Judicial Magistrate. The learned Additional Sessions Judge taking into consideration the statements of the witnesses has also confirmed the order passed by the learned Judicial Magistrate holding that the order of the learned Judicial Magistrate does not suffer from any infirmity.

Learned counsel for the petitioner, however, has contended that the statements of the complainant and the witnesses, prima facie, make out a case. However, taking into consideration the nature of allegation that the petitioner was kidnapped by him on the pretext of extorting the money and further used to make demand. The informant was unknown to Arun Singh and there is no impediment in lodging the case. However, the allegation that Arun Singh has demanded the money but he did not lodge any case against him. These allegations itself show that the allegation made by the petitioner is false.

In that view of the matter, I do not find any merit in application. Hence, this application is, accordingly, dismissed.

(Gopal Prasad, J)

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