

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41660 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -KANKARBAGH District- PATNA

=====

Rahul Kumar son of Narayan Singh, resident of Village- Dhuria, P.S. Asarganj, District Munger, at present Residence of Village Ram Nagar (Dariyapur) P.S. N.T.P.C. Barh, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

with

Criminal Miscellaneous No.41733 of 2016

Arising Out of PS.Case No. -58 Year- 2016 Thana -KANKARBAGH District- PATNA

=====

Saurabh Kumar Gupta @ Saurabh Son of Arjun Prasad Resident of Village Kazichak Gulab Bagh PS Barh, District Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

(In Cr.Misc. No.41660 of 2016)

For the Petitioner : Mr. Mritunjay Prasad Singh

For the Opposite Party : Mr. Sri Satyendra Prasad

(In Cr.Misc. No.41733 of 2016)

For the Petitioner : Mr. Manoj Kumar Pandey

For the Opposite Party : Mr. Sri Anand Kishore Choudhary

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 22-10-2016 Both the Criminal Miscellaneous are of the same occurrence and as such have been heard together and are being disposed of by passing this common order.

Heard the learned counsel for the petitioners as well as the learned A.P.P for the State.

The petitioners seek bail in a case for the offence

punishable under section 387 of the I.P.C

Allegedly, a letter was dropped in the shop of the informant and when he opened the shop found the letter wherein ransom of Rs. 1,00,000/- was demanded and there was direction to hoist flag of red colour on the shop otherwise his family will be finished. During investigation the informant gave number of mobile from which ransom was demanded and the police during investigation found that the SIM was in the name of Md. Zakir and the mobile was given to petitioner Rahul Kumar and he used to tease the girls in the girl school and on the interrogation of the girl petitioner Rahul Kumar was arrested and from his possession mobile was recovered and it reveals that after inserting another SIM in the said mobile the petitioner caused threats to the informant and further the petitioner Rahul Kumar confessed his guilt and disclosed the name of petitioner Saurabh Kumar Gupta @ Saurabh and that on his instruction ransom was demanded and from possession of Saurabh Kumar Gupta @ Saurabh a letter containing writing of Lal Salam and mobile was recovered.

Submission is of false implication and that the petitioners have been made victim of the circumstances, no ransom was paid, the confessional statement made before the police has got no evidentiary value in the eye of law and as such the petitioners deserve sympathetic consideration as they are in custody since 22.02.2016.

The learned A.P.P. submits that both the petitioners have got criminal antecedents and their names have been transpired during investigation in this case.

In the facts and circumstances as stated above, considering recovery of the mobile from possession of the petitioner Rahul Kumar by which ransom was demanded and further considering recovery of letter containing writing of Lal Salam from possession of petitioner Saurabh Kumar Gupta @ Saurabh and further both have confessed their guilt and as such I am not inclined to enlarge both the petitioners on bail and accordingly their such prayer stands rejected in connection with Kankarbagh P.S. Case No. 58 of 2016 pending in the court of C.J.M. Patna/ Miss. Chiprachala Anjali, J.M. 1st Class, Patna.

However, considering the period of detention, let the trial be expedited and concluded preferably within a period of six months from the date of receipt/production of a copy of this order, failing which if the petitioners have no fault, they may renew their prayer for bail.

(Jitendra Mohan Sharma, J)

Abhay/-

U		T	
---	--	---	--