

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33049 of 2016

Arising Out of PS.Case No. -152 Year- 2014 Thana -PARSA District- SARAN

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1. Rajesh Sahni Son of Bilash Sahni resident of Village- Baligaon, P.S. Parsa, District Saran. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Smt. Sahin Begam

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 23-09-2016

Heard both sides.

The petitioner apprehends his arrest in Parsa P.S. case No. 152 of 2014 under Section 364 of the Indian Penal Code.

Bharat Sah, the informant, alleged that his son, Dipak Kumar Soni, was missing after closing his shop.

It is submitted that petitioner is not named in the FIR. The victim made his statement under Section 164 of the Cr. P. C. and disclosed the name of Neeraj. The victim did not disclose the name of petitioner. The name of the petitioner figured in the case in the confessional statement of co-accused Awadhesh Pathak in paragraph 125 of the case diary. Awadhesh Pathak has already been granted regular bail vide order passed in Cr. Misc. No. 31738 of 2015.

The learned Additional Public Prosecutor, however, opposed the prayer for anticipatory bail.

Perused the records. It appears that the victim has

made his statement under Section 161 of the Cr. P. C. and he disclosed that he was kept in the house of Pawan Pathak, situated in village Ramdauli. Sweta Pathak, wife of Pawan Pathak, disclosed in paragraph 56 of the case diary that the victim was also kept in the house of Pachu Sahni and his two nephews were also involved. During the course of investigation, it has come that Pappu Thakur, Pawan Pathak and others have kidnapped the victim. Awadhesh Pathak is none else but father of Pawan Pathak and he was arrested and he made his confessional statement. He disclosed the name of the petitioner as one of the persons who kidnapped the victim.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

If the petitioner surrenders in the court below, i.e., Sri Vivek Rai, learned Judicial Magistrate, Saran at Chapra, in Parsa P.S. case No. 152 of 2014, and prays for regular bail, the learned court below shall consider the prayer for regular bail of the petitioner on its own merit, without being prejudiced from the order of this court.

(Prabhat Kumar Jha, J)

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