

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.647 of 2016

Arising Out of PS.Case No. -755 Year- 2014 Thana -KHAZANIHAT District- PURNIA

Kanhayia Sharma, S/o Late Fand Lal Sharma resident of Village- Dhobia
Tola, P.S.- K.Hat (Madhubani), Distt- Purnea..... Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner : Mr. Pramod Kumar Mallick

For the Opposite Party : Mr. Renuka Ratnakar (APP)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 09-03-2016 Heard learned counsel for the petitioner and learned
A.P.P representing the State.

The petitioner seeks bail in connection with K. Hat P.S.
Case No. 755 of 2014 registered for the offences punishable under
Sections 379, 364A, 364, 120B of the Indian Penal Code, later on
Sections 302 and 411 of the IPC were also added.

Allegedly, the driver Md. Rojib with auto rickshaw was
kidnapped and thereafter from mobile Nos. 08759780901 &
09576070978 ransom of rupees one lakh was demanded on the mobile
phone of the informant bearing No. 9530647372 for releasing the said
auto rickshaw with driver and then the informant started searching the
vehicle and driver. During the course of search the auto rickshaw was
found lying near a Dhaba at Madpur which was kept at (Dalkola)
police station. Again the informant received a call causing threat that he
has got auto rickshaw but he has lost the driver. The dead body of the

driver was recovered and petitioner was caught with illegal fire arms and he confessed his guilt regarding his involvement in the crime and from his possession mobile bearing No. 9576070978 was recovered from which the ransom was demanded and he stated the name of other co-accused.

Submission is of false implication and besides the confessional statement there is nothing against the petitioner, without any material chargesheet has been submitted and petitioner is suffering in custody since 27.11.2014, other co-accused Fakira Karmkar @ Shambhu has been allowed bail and as such the petitioner also deserves sympathetic consideration, to which the learned A.P.P. opposes by submitting that the petitioner was caught with fire arm and from his possession mobile was recovered from which ransom was demanded and the petitioner has got criminal antecedent as he is involved in six more cases and as such his case is on different footing to other co-accused.

In the facts and circumstances stated above, considering the alleged recovery of mobile from which ransom was demanded, this Court is not inclined to enlarge the petitioner on bail and accordingly his prayer for bail stands rejected in S.T. Case No. 50 of 2015 arising out of K. Hat P.S. Case No. 775 of 2014 pending in the Court of 1st Addl. Sessions Judge, Purnea.

(Jitendra Mohan Sharma, J.)

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