

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30488 of 2016

Arising Out of PS.Case No. -208 Year- 2014 Thana -BRAHAMPURA District- MUZAFFARPUR

Arvind Rai S/o Devendra Rai Resident of village - Chandrahiya, P.S. Kudhni
(O.P. Turki), Distt. - Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajendra Prasad Yadav, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 22-10-2016

Heard learned counsel for the parties.

The petitioner seeks pre-arrest bail in connection with
Brahampur P.S. Case No. 208 of 2014 dated 22.09.2014 instituted
under Sections 363/365 of the Indian Penal Code to which later on
Section 364A of the Indian Penal Code was also added.

The allegation against the petitioner is of kidnapping the
husband of the informant and his driver.

Learned counsel for the petitioner submits that he is not
named in the F.I.R. and only on the confessional statement of co-
accused he has been implicated in this case. He further submits that
even in the statement of the victims before the Court, after recovery,

under Section 164 of the Code of Criminal Procedure, 1973, his name has not been taken. Learned counsel draws the attention of the Court to order dated 16.03.2016 passed in Cr. Misc. No. 44834 of 2015 by which co-accused Dinesh Mahato has been granted anticipatory bail by a co-ordinate Bench.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the victims were kidnapped and in any case there could not have been any occasion to take the name of any person and even in their statement before the Court they have stated that most of the time they were either kept in closed room or their eyes covered. It is submitted that absolutely no ground has been taken or explanation with regard to why the petitioner would be implicated by another co-accused, if he has no connection with it.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

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