

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7178 of 2016

Arising Out of PS.Case No. -457 Year- 2015 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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VIKASH KUMAR @ RITESH KUMAR S/O MUKESH KUMAR,
Resident of Village- Chandi, Police Station- Aryri, District:- Sheikhpura,

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Premchandra Yadav

For the Opposite Party/s : Mr. Tapeswar Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 18-04-2016 Heard Sri Premchandra Yadav, learned counsel for the

petitioner, Sri Tapeswar Sharma, learned Addl. Public Prosecutor
and Sri Sunil Prasad, learned counsel, who has voluntarily
appeared on behalf of the informant

The petitioner, who is in custody in Bihar P.S. Case
no.457 of 2015, initially registered for the offence under Sections
364(A), 120(B) of the Indian Penal Code and subsequently
Sections 363, 368, 302, 201 of the Indian Penal Code were added,
has prayed for grant of bail on the ground that one of the co-
accused, namely, Modi @ Vivek Kumar has been granted bail by
a Bench of this Court vide order dated 11.02.2016 passed in
Cr.Misc.No.56156 of 2015.

Learned counsel for the petitioner submits that in the



F.I.R. the informant had raised suspicion against two accused persons, namely, Rajiv Kumar Sharma and Dewanand and other unknown persons. However, during investigation, on the basis of confession of one of the co-accused, the petitioner has been made accused. It was submitted that co-accused Modi had disclosed the name of the petitioner and others regarding their involvement. He submits that since the co-accused has been granted bail, the petitioner also deserves to be released on bail.

Learned Addl. Public Prosecutor and learned counsel for the informant have opposed the prayer for bail. It was submitted that the case was initially registered under Section 364(A), 120(B) of the Indian Penal Code and at the time of lodging of F.I.R. though suspicion was raised against two persons, however during investigation involvement of the petitioner and other accused persons transpired, thereafter all accused persons were apprehended. He submits that the petitioner along with other accused persons confessed their guilt and on their disclosure, the dead body of the victim was recovered from a bush. By way of referring to certain paragraphs of the case diary, learned counsel for the informant has argued that it has come during investigation that for some time, the victim was kept in a room of the petitioner, which was in his occupation. He further submits that the victim

was done to death due to the reason that demand of ransom of Rs.50 Lacs was not fulfilled. The victim was a school going boy and while going to school he was kidnapped and thereafter due to non-fulfilment of ransom, the victim was done to death.

Keeping in view the seriousness of accusation as well as the fact that during investigation the victim was kept in a room of the petitioner and also on disclosure of the petitioner and other accused persons, the dead body of the victim was recovered, I do not find any ground, even on the question of parity, to extend the privilege of bail. The prayer for bail stands rejected.

(Rakesh Kumar, J)

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