

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39323 of 2016

Arising Out of PS.Case No. -34 Year- 2016 Thana -DARAUNDA District- SIWAN

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Bivek Kumar Singh @ Lala, Son of Dhaneshwar Singh, Resident of Village
-Kutubpur, P.S.- Hajipur Sadar, District - Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate.

For the Opposite Party/s : Ms. Anita Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 25-11-2016 Heard learned counsel for the petitioner and learned

A.P.P. as well as learned counsel appearing on behalf of the

informant.

The mother of the deceased is the informant. The

informant alleged that his son Manu Kumar Sharma was returning

from Daraunda Bazar and as soon as he reached near Kali Asthan,

Bivek Kumar Singh @ Lala (the petitioner), Raj Kumar Thakur

and Sonu Kumar kidnapped her son. She further alleged that Rani

Devi, Suman Devi, Sanjay Kumar Singh, Rajan Kumar, Jaikant

Singh, Prem Prakash and Chandan Kumar also conspired in the

kidnapping of her son.

Sri Yogesh Chandra Verma, learned senior counsel



appearing on behalf of the petitioner, submits that altogether 11 persons are alleged to have kidnapped the victim Manu Kumar Sharma, out of which Chandan Kumar, Jaikant Singh, Prem Prakash @ Prem Prakash Singh, Rani Devi and Suman Devi have already been enlarged on bail. The case of the petitioner stands on similar footing. It is further submitted that during the course of investigation, the witnesses have disclosed the source of identification to be the street light but it has come that there was no electricity at the time of occurrence. Therefore, the source of identification is doubtful. The occurrence took place at 08:30 in the night but from perusal of the F.I.R. and the case diary it appears that the informant made allegation of kidnapping against three persons, namely, Vivek Kumar Singh @ Lala, Raj Kumar Thakur and Sonu Kumar. They are alleged to have kidnapped Manu Kumar Sharma. The informant further alleged that Vivek Kumar Singh @ Lala had earlier lodged the case of kidnapping of his daughter against Manu Kumar Sharma in which Manu Kumar Sharma had gone to jail and that was the motive for the occurrence. The case of other accused persons is on quite different footing as only three persons are alleged to have kidnapped Manu Kumar Sharma and immediately after the kidnapping, dead body of Manu Kumar Sharma was recovered from a lonely field.

Considering the facts aforesaid, I am not inclined to
enlarge the petitioner on bail in Daraunda P.S. Case No. 34/2016.
Accordingly, the same is rejected.

Dilip/-

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(Prabhat Kumar Jha, J)