

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9370 of 2016**

Arising Out of PS.Case No. -192 Year- 2015 Thana -HASPURA District- AURANGABAD

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Mantu Singh @ Mahendra Singh, S/o Deo Prasad Singh, R/o Vill.- Shankar  
Dih, P.S.- Uphara, District- Aurangabad

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Arun Kr.Singh 5(APP)

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

10 19-10-2016

Heard learned counsel for the petitioner and the  
learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in  
connection with Haspura P.S. Case No.192 of 2015 for  
allegedly having committed the offence under Section  
366A/34 of the Indian Penal Code.

The allegation against the petitioner is that the victim  
girl was kidnapped by unknown persons and a day after  
kidnapping, a threatening call was made by the petitioner to  
compromise the case in which the son-in-law of the petitioner  
had been made an accused. The threatening was that if such  
action is taken by the informant, the girl will be released by the  
petitioner.



It is submitted that there was a serious dispute between the petitioner and the informant with regard to the selling of illicit liquor in the village and it was for the said reason that the petitioner has been named in connection with the present F.I.R. Learned counsel for the petitioner further submits that the telephone alleged to have been used does not belong to the petitioner and belongs to some other person and for some oblique reasons, the informant has chosen to saddle the entire blame on the present petitioner. It is submitted that the girl, along with her father, used to sell illicit liquor in the village, which had been protested upon by the present petitioner. The girl and her father used to harbour anti-social elements in the village who used to collect near them for the purposes of obtaining the said illicit liquor. It is on account of such association with the anti-social elements, that the victim girl, Kanchan Kumari, had even eloped with one Golden Kumar, son of Ranjit Kumar of Village Ghandinagar, P.S. Haspura, for which Haspura P.S. Case No.27 of 2015 has been lodged on 24.2.2015 under Sections 341, 342, 448, 366A/34 of the I.P.C. In the said case, the informant had made the son-in-law of the petitioner also an accused, but he was subsequently released on bail. Learned counsel for the petitioner submits

that the said Kanchan Kumari had again fled away with some other person and the phone alleged to have been used does not belong to the petitioner.

In order to verify the veracity of the statement made by the petitioner, this Court had earlier directed the Superintendent of Police, Aurangabad to conduct an in-depth inquiry with regard to the phone numbers, referred to in the F.I.R. Vide letter No.170/PC dated 20.09.2016, the Superintendent of Police, Aurangabad has communicated that the telephone alleged to have been used was, in fact, owned and possessed by one Ashok Singh and had been purchased by Daya Shankar, who resided at P.S.-Motinagar, District-Ludhiyana. The said mobile was given to him by his own brother Ashok Singh, who lived there with his brother Ashok Singh and Bhabhi Anita Devi in the *Bere* of Achhelal. After due investigation and interrogation, the said Ashok Singh has now been taken into custody. While he was being brought from Punjab, he managed to escape, but was again subsequently taken into custody. The S.P. has stated that the phone number, bearing Mobile No.9115038977, was being frequently used by the petitioner and one Golden of Haspura to talk with the victim girl on her mobile number

bearing Mobile No.7764953004.

In view of the fact that the allegation against the petitioner does not *prima facie* appear to be correct in view of the subsequent investigation made by the authority and the report submitted to this Court by the S.P., Aurangabad, having indicated otherwise, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Daudnagar, District-Aurangabad, in connection with Haspura P.S. Case No.192 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Anjana Mishra, J)**

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