

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.216 of 2016

Arising Out of PS. Case No. -67 Year- 2015 Thana -DIGHWARA District- SARAN

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SURESH MANJHI @ RUKHENDA MANJHI SON OF SHIVPUJAN
MANJHI, RESIDENT OF VILLAGE- SURYAPUR, P.S.- BASANTPUR,
DISTRICT- CHAPRA

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

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Appearance:

For the Petitioner/s : Mr. Syed Ashfaq Ahmad, Adv.

For the Opposite Party/s : Mr. P.N.Pandit, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 12-02-2016

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Alleged victim Anwar Khan who happens to be a
entrepreneur was allured by his associate Salahuddin on the
pretext of getting a work at Chapra at the instance of one Puri
Baba whereupon they both proceeded and further, as directed
got down from a train at Dighwara Station from where both of
them were taken away over vehicle by seven persons. After
covering some distance near railway factory, Salahuddin was
let off while her husband was taken away. Salahuddin returned
back and informed the informant, wife of alleged victim Anwar
Khan whereupon she along with her fathers gone in search of
Anwar Khan, could not locate, rush to police who did not care
to record FIR and on account thereof, matter was reported to
Superintendent of Police and at whose instance instant FIR has
been recorded.

It has been submitted on behalf of petitioner that



he happens to be innocent having no complicity with the alleged crime. Furthermore, it has also been submitted that no occurrence as alleged had taken place rather the so alleged victim himself happens to be a notorious criminal and deals with fake currency note, on account thereof, succeeded in getting rupees one lac fifty thousand from Fuphi of Md. Rashid @ Dilshad on an assurance that double amount will be paid to her wherein he failed and then, when he was caught hold to return back the amount, at his instance his wife got this case registered only to digest rupees one lac fifty thousand. So submitted that petitioner, who is a labourer should not be allowed furthermore to be behind bar. Furthermore, it has been submitted that activity of alleged victim is itself evident from his conduct as, the mobile number possessed by him bearing SIM No.9386284724 does not belong to him rather on details, the police found having it issued in name of Hirdaya Yadav, son of Ramashish Yadav, resident of village-Bali (Saraiya), Anchal, Husainganj, District-Siwan and presence of victim as per para-16 of the case diary has also been found in, around the aforesaid locality whereupon it could not be said to be case of kidnapping for the purpose of ransom.

The learned Additional Public Prosecutor opposed the prayer and submitted that other co-accused having similar allegation is found denied the privilege of bail even by this Court at an earlier occasion.

From perusal of the case diary, it is evident that on



an order of Superintendent of Police instant case has been registered. Alleged victim had two wives whose statement are recorded under para-2 and 3 of the case diary wherefrom specific mobile number has been given through which demand of rupees one crore as ransom has been made. Furthermore, the police swung into action, obtained call details on the basis of which the route as well as location of the alleged victim has been traced out which has been duly detailed under para-16 to 20 of the case diary. Furthermore, during course of investigation Rajesh Kumar Yadav has been identified on the basis of the call details as is evident from para-20 and then house of Rajesh Kumar Yadav was raided who was found absent though his brother was there and in para-26 of the case diary, he had stated that his brother happens to be owner of Bolero vehicle which was hired on 16.04.2015 by Suresh Manjhi @ Rukhenda Manjhi (petitioner). Therefore, presence of petitioner is found duly exposed from this paragraph who had hired the vehicle. Subsequently thereof, as per para-30 the house of Md. Fulsarif was raided and therefrom, apart from three persons namely Rashid, Md. Sahbuddin, Md. Fulsarif, the alleged victim was also recovered. From the possession of respective culprits different mobiles were seized and from para-34, it is evident that there is connectivity in between through which a demand of rupees one crore as ransom was made over the mobile of informant. The learned counsel for the petitioner at the present moment has referred the inculpatory extra

judicial confessional statement of co-accused Md. Rashid @ Dilshad whereunder the note doubling story has been flashed but failed to place any cogent, reliable document to support whether rupees one lac fifty thousand was in custody of his Fhua and the same was handed over to the alleged victim. Contrary to it, the victim has been examined under para-48 of the case diary wherein he had specifically alleged against the petitioner who was present inside the vehicle at the time when victim was lifted, to have tied the mouth of the victim with Gamcha and that happens to be duly corroborated while the victim was examined under Section 164 Cr.P.C. as is evident from para-67 of the case diary.

That being so, presence of petitioner as one of the members during course of lifting the victim is found duly corroborated.

As such, for the present prayer for bail is rejected.

(Aditya Kumar Trivedi, J.)

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