

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2875 of 2017

Arising Out of PS.Case No. -859 Year- 2014 Thana -BIHTA District- PATNA

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Sanjeet Kumar Singh, S/o Chandeshwar Prasad Singh, C/o-Satya Prakash
Yadav, R/o Mohalla-Shastrinagar near J.D. Women's College, P.S.- Shastri
Nagar, Distt.-Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Damodar Prasad Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

6 18-04-2017 Heard Mr. Vijay Kumar Sinha, learned counsel

appearing on behalf of the petitioner, Mr. Damodar Tiwary,

learned Additional Public Prosecutor appearing for the State and

Mr. Amarjyoti Sharma, learned counsel appearing on behalf of the

informant.

The petitioner apprehends his arrest in Bihta P.S. Case
No. 859 of 2014 under sections 363, 365, 364 and other sections
of the Indian Penal Code.

The informant alleged in nutshell that he got
information at about 12.30 hrs on 14.11.2014 that 18 persons
holding arms and ammunitions came to his house and kidnapped
his uncle Rajeev Ranjan Kumar @ Raju Singh. The villagers made
protest, but the accused persons fled away with his uncle after



kidnapping him and the informant named Anant Singh, the MLA of Mokama and Bantu Singh. It is further alleged that extortion money of Rs. 10 crores was demanded for which a case in Shrikrishnapuri police station was registered.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. The name of the petitioner figured in the case during the course of investigation and in the statement of the victim recorded under Section 164 Cr. P.C. From perusal of the statement of victim recorded under Section 164 Cr. P.C., it will appear that the police has got the victim free from the custody of the accused persons within the jurisdiction of Hawaii Adda police station, but for the reasons best known to the police, the police did not get the statement of the victim recorded under Section 164 Cr. P. C. for about eight months. The victim was remanded in other case. It is further submitted that no specific allegation is made out against the petitioner. The victim has narrated the history how he was kidnapped by the accused persons. Of course the victim named the petitioner, but no specific allegation and overt act has been made against the petitioner. It is further submitted that similarly situated co-accused Rakesh Kumar @ Guddu Singh, who is alleged to have pointed rifle, has already been granted anticipatory bail by a co-ordinate Bench of this Court



vide order dated 22.12.2016 passed in Cr. Misc. No. 54308 of 2016 and almost all other accused persons have been granted regular bail including Anant Singh, who is said to be the kingpin of the entire occurrence.

Mr. Damodar Tiwary, learned Additional Public Prosecutor appearing for the State and Mr. Amarjyoti Sharma, learned counsel appearing on behalf of the informant have vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner and other accused persons were actively participating in dragging the victim from his house and keeping him in vehicle. The name of the petitioner figured in the case in the statement of the victim recorded under Section 161 Cr.P.C., and almost all the witnesses who saw the accused persons kidnapping the victim, supported the fact of kidnapping by the accused persons. One vehicle Scorpio was burnt down by the villagers and it transpires that the petitioner is the owner of the vehicle. The petitioner, being the private Secretary of the M.L.A. Anant Singh, who has got criminal antecedent also, participated in kidnapping of the victim and it is further submitted that of course co-accused Rakesh Kumar @ Guddu Singh has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 22.12.2016 passed in Cr. Misc. No. 54308 of 2016, but



the same Bench rejected the anticipatory bail petition of Ashish Kumar Halder vide order dated 06.12.2016 passed in Cr. Misc. No.52778 of 2016. Another co-ordinate Bench of this Court has also rejected the anticipatory bail petition of co-accused Kartikey Kumar @ Kartik Singh @ Kartrikey Kumar vide order dated 16.02.2017 passed in Cr.Misc. No.1744 of 2017. Therefore, the petitioner does not deserve for anticipatory bail.

Perused the record and the case diary.

The informant, nephew of the victim Rajeev Ranjan Kumar @ Raju Singh, disclosed that he got information that Anant Singh, Bantu Singh and sixteen other accused persons kidnapped his uncle in a broad-day-light at the point of rifle and other weapons. The villagers protested and burnt down one Scorpio vehicle, which was left in the village on being chased by the villagers. During the course of investigation, almost all the witnesses have disclosed that the accused persons kidnapped the victim. Statement of the victim was recorded on the same day under Section 161Cr. P.C., as it appears from paragraph-17 of the case diary and the victim, who was recovered by the police within the jurisdiction of Hawaii Adda Police Station, has disclosed the name of the petitioner and other accused persons. It has come in paragraph-169 of the case diary that the Scorpio vehicle was burnt



by the villagers when the kidnappers left the same in the village on chase. The petitioner is the owner of the vehicle. Of course, it appears that one similarly situated co-accused namely, Rakesh Kumar @ Guddu Singh was granted anticipatory bail, but on perusal of the entire materials available on record, I am not persuaded to grant anticipatory bail to the petitioner because offence is very serious and heinous in nature and, there are ample material to show that the petitioner also actively participated in kidnapping the victim. Accordingly, I do not find it a fit case for grant of anticipatory bail and the anticipatory bail petition is rejected.

(Prabhat Kumar Jha, J)

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