

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16241 of 2017

Arising Out of PS.Case No. -569 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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Vikki Kumar, S/o Harilal Sah, Resident of Village-Utteri Bhadas, P.S.-
Muffasil, District-Khagaria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Binod Kumar, Advocate.

For the Opposite Party : Mr. B.N. Pandey, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-04-2017 Heard both sides.

The petitioner apprehends his arrest in Khagaria P.S.
Case No. 569 of 2016 registered for the offences punishable under
Sections 364, 307, 504 and 34 of the Indian Penal Code and under
Sections 26/27 of the Arms Act.

The informant alleged that while he was going along
with his brother-in-law and when they reached near the house of
Awadhesh Yadav, all the accused persons including the petitioner
surrounded the informant and assaulted him and his brother-in-
law. Ranjeev Kumar fired which hit on the left shoulder of his
brother-in-law. It is further alleged that the accused persons
kidnapped the informant and brought him to the house of Hareram
Mahto situated in village Rani Sakarpura but, the police came and
recovered the informant. The informant further alleged that father



of co-accused Sanjeev Kumar namely Rajendra Singh had taken Rs. 5,32,500/- from him to execute the sale deed with regard to a piece of land but, Rajendra Singh did not execute the sale deed nor return the money.

Learned counsel for the petitioner submits that the petitioner is innocent. The informant named the petitioner in the First Information Report. The informant made his statement under Section 164 Cr.P.C. but, could not disclose the name of the petitioner. Even during course of investigation, it has come that since the petitioner deposed on behalf of Rajendra Singh that is why the petitioner has falsely been implicated in the case. One of the co-accused Rajendra Ram has already been allowed regular bail vide order dated 28.02.2017 in Cr. Misc. No. 4002 of 2017.

On the other hand learned counsel for the informant and learned APP for the State vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that prayer for regular bail of Akhilesh Kumar, one of the co-accused, was rejected vide order dated 17.02.2017 passed in Cr. Misc. No. 52447 of 2016. The petitioner also took part in kidnapping of the informant and the informant was recovered immediately after the occurrence from the house of Hareram Mahto.

Considering the facts aforesaid and the fact that the



informant named the petitioner along with other accused and alleged that they all kidnapped him and took to the house of Hareram Mahto but, police immediately came in action and recovered him, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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