

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52570 of 2016

Arising Out of PS.Case No. -355 Year- 2011 Thana -FORBESGANJ District- ARRARIA

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1. Vimal Kumar Mahto @ Vimal Kumar Mehta Son of Dashrath Mahto
alias Dashrath Mehta

2. Shambhu Mehta @ Shambhu Pd. Mehta son of Rajendra Mehta

3. Uday Kumar Mehta son of Late Dilip Mehta All residents of Village
Mirjapur, P.S. - Simraha, District – Araria Petitioners

Versus

1. The State of Bihar Opposite Party

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Appearance :

For the Petitioners : Mr. Sanjay Kumar Sharma, Adv.

For the Opposite Party : Mr. Yogendra Kumar, APP 200

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL ORDER

3 18-01-2017 Heard the learned counsel for the petitioners and the
State.

This is a petition for grant of anticipatory bail for
offence under Sections 365, 368, 386 and 34 of the Indian Penal
Code.

According to first information report, the petitioners
and co-accused, Alok Mehta, abducted Om Prakash Mehta, the
husband of the informant. Subsequently, Alok Mehta was
apprehended by villagers and handed over to police.

During the investigation, evidence came that for
dispute relating to registration of land, in pursuance of oral
agreement between the parties, the victim was detained by the
accused person. Subsequently, the victim appeared. However, his
statement was not recorded either under Section 161 of the
Criminal Procedure Code or under Section 164 of the Criminal
Procedure Code.

Surprisingly enough the supervising authority has
recorded that there is no need to get the statement of the victim
recorded under Section 164 of the Criminal Procedure Code.



The aforesaid aspect requires to be brought to the notice of the Director General of Police, Patna, as to how the police could justify non-recording the statement of the victim of abduction either under Section 161 of the Criminal Procedure Code or under Section 164 of the Criminal Procedure Code.

Submission of the petitioner is that the petitioners were not sent up for trial. However, cognizance has been taken against the petitioners.

Considering the material against the petitioners, available in the case diary, I am not inclined to enlarge them on anticipatory bail.

The prayer for anticipatory bail is **refused**.

(Birendra Kumar, J)

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