

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51658 of 2016

Arising Out of PS.Case No. -253 Year- 2015 Thana -RIGA District- SITAMARHI

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Prince Kumar @ Saurabh, son of Murari Prasad Singh, Resident of Village-
Rasalpur, P.S.- Dumara, District- Sitamarhi.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Devendra Kumar, Advocate

For the Opposite Party : Smt. Pushpa Sinha (APP)

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 18-01-2017 Heard learned counsel for the petitioner and the

State.

The petitioner apprehends his arrest in Riga P.S.

Case No. 253 of 2015 instituted for the offence under Section

364/34 of the Indian Penal Code.

Informant has alleged in the written report that he

received a call on his mobile phone bearing No. 7870368181,

9852663059 from mobile no. 8434481130 for the last 20 days that

he has to work in a film. Informant told that he has to go to Saudi

Arab but ultimately on 06.09.2015 at 8.00 A.M., he again received

phone calls from the same mobile with respect to giving time for

at least ten days and he will pay Rs.2, 00,000/- and called the

informant to come to Riga and upon which, he came at Riga



Station at about 2.00 P.M., then he was asked as to which of the colour the informant weared. Thereafter after five minutes, one caller man came on green colour bike, who inquired from informant, whether his name is Ashra Alam, he said yes. Thereafter that man took him on a motorcycle near Math. Thereafter a call came on his mobile phone, from where he took him through *Pucci* road to a wine shop from where they purchased three bottles of wine and told the informant to take the liquor but the informant did not take. Thereafter 3-4 calls came at his mobile phone. At about 4.30 P.M, the petitioner told him to proceed towards the house of Mukhiya Jee. Thereafter he brought him near Nahar. The informant went on the other side of the nahar, in the meantime, three persons surrounded him, one person armed with pistol, put his pistol on his temple, the second person was having Nepali Khukhari and the third persons was having knife in his hand and they surrounded him and thereafter they put cloth on his eye and brought him to a lonely place. Thereafter, they removed the cloth then the informant found himself in a Jhopari. He also found one pump set and one motorcycle near the Jhopri. All the three persons assaulted him with lathi, as a result of which, the informant fell down. Thereafter they tied his hand and leg with rope and took out two mobiles from his pocket, ATM Card and



Rs. 5000/- Thereafter, they again assaulted him and told him to disclose the pin number of ATM Card. The informant told about pin number. Thereafter the man, who brought the informant on bike also arrived and forcibly gave him intoxicated tablet and also forced him to take liquor. Thereafter two other persons came in the night and all assaulted the informant and told him to disclose the mobile number of his brother. They also made demand from the informant to give ATM card and Rs. 50 lac. They tied him in the Jhopri. The informant anyhow removed the rope from his hand and leg with his teeth and on seeing all the miscreants sleeping, came out from the jhopri and fled away and reached in the village, where some dancing programme was taking place. Thereafter he told the entire incident to the dance party, upon which, they hide him. In the morning, the Sarpanch of that village met him, to whom, he disclosed the incident. In the meantime, two miscreants arrived there on the Apache motorcycle. The informant told the sarpanch about those persons then the sarpanch wanted to apprehend them but they managed to run away. Thereafter the Sarpanch called the chowkidar of the village and sent the informant with him to P.S for giving his written report.

Case diary has been received. The informant in his further statement in para-3 stated the same version as stated in his



written report. Witness Anish Alam in para-4 of the case diary has stated that his brother has been kidnapped by the miscreants and brutally assaulted. He came on receiving information. The miscreants assaulted him and also snatched ATM Card. The police has mentioned in para-20, 28 and 35 of the case diary that CDR of the mobile number, from which, telephone call was received by the informant has been collected, from which, it appears that miscreants have talked several times on mobile phone of this petitioner. During the period of occurrence, several calls have been received by the petitioner from the mobile number of the miscreants along with other accused persons, as mentioned in those paragraphs. The police on the basis of tower location and CDR, as mentioned in para-35, arrested one of the accused namely Ramji Rai on the direction of the supervisory authority as mentioned in para-58, recorded his confessional statement, where he has disclosed the name of this petitioner and other accused persons involved in the aforesaid occurrence. The criminal antecedent of the Ramji Rai has been mentioned in para-59, which shows that more than 13 cases have been pending against him. Investigation of the case is still pending. The warrant of arrest has already been issued against this petitioner. There is serious allegation in the written report by the informant of kidnapping him



and taking him to different places. From the CDR of the mobile, it appears that this petitioner was in regular touch with the various miscreants from the date of occurrence. Therefore, this court does not find it fit case for grant of anticipatory bail. Accordingly, this anticipatory bail petition is hereby rejected in connection with Riga P.S. Case No. 253 of 2015.

The petitioner is directed to surrender before the court below within four weeks from today and seek regular bail which shall be disposed of in accordance with law without being prejudiced by this order.

(Sanjay Priya, J.)

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