

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.30278 of 2014

Arising Out of PS.Case No. -19 Year- 2012 Thana -PIRI BAZAR District- LAKHISARAI

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1. Bipin Mandal Son of Shivdani Mandal Resident of village- Bodh Nagar, P.S.-
Ramgarh Chowk, District- Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Sinha
Mr. Rabi Bhushan
Ms. Rakhi Kumari

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 08-08-2017

This application under Section 482 of the Code of Criminal Procedure has been filed to quash the order dated 16.05.2012 passed by the learned Chief Judicial Magistrate, Lakhisarai in Piri Bazar P.S. Case No. 19 of 2012 whereby and whereunder cognizance for the offence under Sections 364-A, 120-B of the Indian Penal Code was taken against this petitioner and 15 other co-accused.

2. Heard both sides and perused the record.

3. The aforesaid Piri Bazar P.S. Case No. 19 of 2012 was registered on the basis of written report of police inspector. It has been alleged that one Ajay Kumar was kidnapped by the accused persons cited in the F.I.R. for a ransom of Rs. ten crores. The



informant in course of inquiry conducted raid at the house of accused Abhinandan Yadav where the victim was recovered. The police apprehended four more persons inside the room and also seized incriminating articles. In course of investigation and on the confession of co-accused, the complicity of this petitioner surfaced. After investigation, police submitted charge-sheet on the basis of which cognizance for the offence was taken by the court below.

4. The learned counsel for the petitioner submits that there is absolutely no material against this petitioner. He has been implicated merely on suspicion. The petitioner is the son of Shivdani Mandal. However, the accused, namely, Bipin Mandal, who was apprehended from the place of occurrence, is the son of Vakil Mandal. The statement of the victim was recorded in court, but he did not disclose the name of this petitioner. The learned court below without any material on record has taken cognizance and so, the impugned order is fit to be quashed.

5. The learned A.P.P. for the State, on the other hand, opposed the submissions by stating that this petitioner was also one of the conspirators and had confined the victim in the house from where the victim was recovered. The learned A.P.P. referred paragraphs 22, 26, 60 and 180 of the case diary to show the materials available against this petitioner.

6. On perusal of the impugned order and case diary, it



appears that there are altogether 16 accused persons including this petitioner. The police have submitted charge-sheet against two persons also both namely, Bipin Mandal. The police had apprehended Bipin Mandal son of Vakil Mandal from the room where the victim was recovered. This petitioner is also known as Bipin Mandal son of Shivdhani Mandal. The witnesses have stated that this petitioner, who is the brother of Ranjeet Mandal had also kidnapped and kept the victim in the room from where the victim was recovered. The said Ranjeet Mandal is also the son of Shivdhani Mandal. There is absolutely no confusion as regards identity of this petitioner. The police have found sufficient material and submitted charge-sheet against him. The learned C.J.M. on the basis of police report and material against the petitioner has rightly taken cognizance.

7. In view of the above facts, I do not find any merit in this application. This application is devoid of merit and is, accordingly, dismissed.

(Sanjay Kumar, J)

ajaypd./-

AFR/NAFR	NAFR
CAV DATE	NA
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