

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36356 of 2017

Arising Out of PS.Case No. -215 Year- 2017 Thana -SUPAUL District- SUPAUL

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Baiju Paswan, Son of Shubhnath Paswan, Resident of Village-
Chainsinghpatti, P.S. & District- Supaul.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sri Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 10-08-2017

Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

Petitioner, in the present case, is seeking regular
bail in connection with Supaul P.S. Case No. 215/2017 registered
for the offence punishable under Sections 364 of the Indian Penal
Code, pending before learned Chief Judicial Magistrate, Supaul.

Learned counsel for the petitioner submits that in
the First Information Report (in short the "FIR"), it is stated that 3
– 4 persons had forcibly took away the son of the informant in
Scorpio Vehicle bearing No. BR50P-1824. It is alleged that the
informant had asked two boys namely Pratayam and Ajit, who
were residing in the lodge of the informant, to vacate the lodge
because they were persons of bad nature, and for this reason, they
called their friend Baiju Paswan, the present petitioner, with
Scorpio and forcibly took away his son in the said vehicle.

Learned counsel for the petitioner submits that in



fact the petitioner is the person who had informed in fact it is the petitioner who could have been made an approver because he had no knowledge of the plan hatched by the two boys, who had hired his vehicle for the purpose of lifting the son of the informant.

Learned Additional Public Prosecutor for the State opposes the prayer for bail and submitted that this petitioner had actively participated in the act of kidnapping. No doubt, the statement under section 164 Cr.P.C. does not disclosed the name of the petitioner who was driving the vehicle but in course of investigation it has come that it was this petitioner who was driving the vehicle and the vehicle belongs to this petitioner.

In view of the allegation that petitioner had actively participated in the kidnapping of the son of the informant and had even used his vehicle for the said purpose, this court is not inclined to grant regular bail to the petitioner at this stage.

Accordingly, prayer for regular bail of the petitioner is hereby rejected.

(Rajeev Ranjan Prasad, J.)

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