

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39507 of 2017

Arising Out of PS.Case No. -62 Year- 2017 Thana -BOCHHA District- MUZAFFARPUR

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Sunil Kumar, son of Rambabu Rai, resident of village Roshi, P.S. Bochaha,
District Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. Ajay Kumar Jha

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 11-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
25.04.2017 in connection with Sessions Trial No. 466/2017,
arising out of Bochaha P.S. Case No. 62/2017 for offences
punishable under Sections 364-A of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his son Om Ankur Prajapati, a student of Class-IX had gone to
school on 24.04.2017 but did not return. Thereafter a call was
made from an unknown number demanding ransom of Rs. 7 lakhs
for release of his son.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history, has not
been named by the victim boy in his statement under Section 164



Cr.P.C. and that the victim boy was recovered the very next day. He submits that during course of investigation one Ravi Kumar confessed his guilt and has named the petitioner. Charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner and that one of the co-accused Sanjay Kumar who had called the victim boy, has been granted privilege of bail by this Court in Cr. Misc. No. 36846 of 2017 on 22.08.2017.

However, learned counsel appearing for the informant submits that the petitioner has been identified in the Test Identification Parade and was found sitting in front seat of the Bolero car, as stated by the victim boy in the T.I. Parade, which chart had been called for and is part of the record of the present application. He submits that the victim boy was recovered from the house of co-accused Rajiv Kumar and petitioner and one Ganesh Choudhary were also apprehended with the boy, who was found tied with rope, which is evident from paragraphs 26 and 27 of the case diary. It is further submitted that Rajiv Kumar, from whose house the victim boy has been recovered, his bail application has been rejected by a coordinate Bench of this Court in Cr. Misc. No. 40232 of 2017 on 03.10.2017.

Learned APP for the State also opposes the prayer for



bail.

Considering the facts and circumstances and the materials on record and that case of Sanjay Kumar is different from that of the petitioner, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with Sessions Trial No. 466/2017, arising out of Bochaha P.S. Case No. 62/2017, pending in the court of learned 7th Addl. Sessions Judge, Muzaffarpur.

Application is, accordingly, rejected.

(Nilu Agrawal, J)

Rajesh/-

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