

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55079 of 2017

Arising Out of PS.Case No. -108 Year- 2017 Thana -PIPRA District- SUPAUL

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Ram Kumar Kamat S/o Sri Chhoti kamat , R/o Village- Sahpur Prithvipatti,
Ward No.05, P.S.- Bhaptiyahi, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Md. Sufiyan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 17-01-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

Petitioner is languishing in judicial custody since
28.06.2017 in connection with Pipra P.S. Case No. 108 of 2017
for offences punishable under Sections 363, 365 of the Indian
Penal Code.

The prosecution case, as lodged by the informant, is
that his son has been kidnapped by some unknown criminals as he
is missing.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the F.I.R., bears no
criminal history and has been falsely implicated in the aforesaid



case. He submits that just because during investigation some clothes of the missing boy has been recovered from the house, petitioner has been made accused. It is further submitted that the petitioner is mentally unsound and has been advised treatment in the hospital, hence on humanitarian ground, he may be enlarged on bail. He submits that some of the accused persons have been granted the privilege of bail by this Court in Cr. Misc. No. 47079 of 2017 on 18.10.2017 and another three accused have also been granted the privilege of bail.

However, learned counsel for the informant as well as learned APP for the State vehemently oppose the prayer for bail stating therein that the petitioner in his confessional statement has confessed that he along with other co-accused have kidnapped the son of the informant and various articles of the deceased boy have been recovered from the accused persons including the petitioner. He submits that the petitioner was one of the associates as has come up during investigation. He submits that the case of those accused persons is different from the case of the petitioner as clothes of the missing boy now alleged to be dead were found in the house of the petitioner.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to



the petitioner at this stage in connection with Pipra P.S. Case No.108 of 2017, pending in the court of learned Additional Chief Judicial Magistrate-III at Supaul.

The application is, accordingly, rejected. However, the petitioner is at liberty to renew his prayer for bail after framing of charge.

(Nilu Agrawal, J)

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