

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.39043 of 2014

**Arising Out of PS.Case No. -1178 Year- 2014
Thana -PATNA COMPLAINT CASE District- PATNA**

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1. Ram Kumar son of Late Ramchandra Singh Resident of village - Raunia, P.S. Masaurhi, District Patna
 2. Arun Kumar son of Late Ramchandra Singh
 3. Ravi Shekhar Sinha @ Bittu @ Bittu Kumar Son of Arun Kumar both resident of New Patliputra Decorator, Indrapuri, P.S. Patliputra, District - Patna
- Petitioners

Versus

1. The State of Bihar
 2. Awadhesh Prasad Singh son of Late Hazari Singh Resident of Village – Matniyapur, P.S. Shahpur, District – Patna
- Opposite Parties

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Appearance :

For the Petitioners	: Mr. Lal Babu Singh, Advocate
For the State	: Mr. Umeshnand Pandit, APP
For the Opp. Party no.2	: Mr. Anil Kr.Dwivedi, Advocate and Mr. Arbind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 14-03-2018

Heard learned counsel for the petitioners, the State and the opposite party no.2.

2. The instant application has been filed for quashing of the order dated 15.7.2014, passed in Sessions Trial No. 758/2008 (arising out of Complaint case no. 1178C of 2004), by which the learned Additional Sessions Judge 10, Patna dismissed his discharge petition filed under section 227 of the Cr.P.C.

3. Counsel for the petitioners submits that the allegations made in the complaint are false. He submits that the complainant is in fact father in law of petitioner no.1, whereas petitioner no.2 and 3



are brother and nephew of petitioner no.1. He submits that there is no material at least against petitioner nos. 2 and 3 and that the discharge petition has wrongly been dismissed.

4. Counsel for the opposite party no.2 opposed the petitioners' prayer and submits that all the petitioners after hatching a conspiracy kidnapped his son and made ransom call, when he refused to give money to petitioner no.1 by way of loan.

5. This Court finds that the court below has examined the entire claim of the petitioners made during the petition of discharge. From the impugned order dated 15.7.2014, it appears that the Court below has gone through the material on record, the complaint as well as relied upon examination of the complainant on solemn affirmation as also the statement of victim Pravin Kumar Singh, son of opposite party no.2 who was allegedly kidnapped by petitioner no.1. In respect of petitioner nos. 2 and 3, the victim in his deposition dated 15.9.2014 has stated that their role should be investigated as there is possibility of their involvement in the offence. In paragraph 17 of the complaint, it is alleged that a day earlier petitioner no.2 and 3 had persuaded his son/the victim not to board a bus for Dehri on sone, rather they advised to board the car of friend of petitioner no.1 and thus they facilitated the kidnapping and made demand of ransom.

6. Considering the materials available on record, this Court



does not find infirmity in the impugned order dated 15.7.2014.

7. The instant quashing petitin is dismissed.

(Madhuresh Prasad, J)

Shashi.

AFR/NAFR	
CAV DATE	NA
Uploading Date	21.3.2018
Transmission Date	21.3.2018

