

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10506 of 2019**

Arising Out of PS. Case No.-320 Year-2018 Thana- RIVILGANJ District- Saran

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Sudhir Kumar Mishra @ Bulbul Mishra, S/o Late Suresh Mishra, Resident of
Village and P.O.- Mohabbat Parsa, P.S.- Rivilganj, District- Saran (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sumit Kumar Jha

For the Opposite Party/s : Mr.Kalyan Shankar

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 15-05-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Rivilganj P.S. Case No. 320 of 2018, registered under
Sections 364 and 120(B)/34 of the Indian Penal Code, pending
in the court of Chief Judicial Magistrate, Chapra.

The accusation is that Jitendra Prasad @ Shetty, son
of informant, Bimlawati Devi, was released from jail custody on
11.10.2018. At that time, her younger son, Deepak Kumar had
gone to receive her son, Jitendra Prasad @ Shetty but after
releasing, Jitendra Prasad @ Shetty asked her younger son,
Deepak Kumar that he will come after some time and,
accordingly, Deepak Kumar returned to his house but till late



night her son, Jitendra Prasad @ Shetty did not return. Thereafter, informant along with family members started search of her son then found one motorcycle bearing registration no. BR04Z-8673 fallen on road. Thereafter, she along with her younger son, Deepak went to the Chapra Hospital but no trace was found. In course of search, informant came to know that her son, Jitendra Prasad @ Shetty is kidnapped by Rijwan Ahmad and Sudhir Kumar Mishra (petitioner) along with 4-5 unknown for committing murder. Informant further alleged that Bulbul Mishra always used to say that when her son, Jitendra Prasad @ Shetty, will be released on bail he will be killed.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that only suspicion has been raised against the petitioner having hand in the kidnapping of Jitendra Prasad @ Shetty. In course of investigation, it would appear from the statement of Deepak Kumar, son of the informant, as detailed in paragraph 8 of the case diary, that he was informed by Bhanu Pratap about the accident of Jitendra Prasad @ Shetty, while he and his family members had gone to several palaces but no trace was found and in course of search, informant came to know about the kidnapping of his son by Rijwan. The statement of Bhanu Pratap has been detailed in paragraph 56 of



the case diary, in which, while he stated about use of the vehicle of the petitioner in kidnapping of Jitendra Prasad @ Shetty but according to his confessional statement, petitioner was not present on that Bolero which was engaged in kidnapping. The statement of Rijwan has been detailed in paragraph 6 of the case diary, in which, he had stated about moving with Jitendra Prasad @ Shetty on motorcycle and the aforesaid motorcycle was dashed by the Bolero in the way.

On the other hand, learned counsel for the informant submits that in paragraph 3 of the case diary, it is detected that one motorcycle was found lying on the road and the paper recovered from the Dickey of motorcycle and the owner book of the motorcycle was in the name of Rijwan Ahmad and in his confessional statement, he disclosed the conspiracy of the petitioner under which Jitendra Prasad @ Shetty was kidnapped.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner is directed to surrender before the trial court within four weeks and pray for regular bail, which would



be considered by the trial court in accordance with law without
being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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