

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15232 of 2015**

Arising Out of PS. Case No.-266 Year-2013 Thana- MAHUA District- Vaishali

Uday Shankar Kumar S/o- Sri Jai Mangal Rai, Resident of village- Mahua,
Singhrai, P.O.+ P.S.- Mahua, Dist- Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Dr. Navin Kumar, S/o- Sri Nandkishore Prasad Sah, Resident of- Singhara,
P.O.- Mahua, Dist- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Abhay Kumar Sinha, Advocate
For the Opposite Party/s :	Mr. Jharkhandi Upadhyay, APP
For Opposite Party No.2 :	Mr. M.C. Gandhi, Advocate

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT**

Date : 13-09-2019

Heard learned counsel for the parties.

2. Petitioner has challenged the order of cognizance

dated 23.12.2013 passed learned Chief Judicial Magistrate,

Vaishali at Hajipur, in Mahua P.S. Case No.266 of 2013

whereby cognizance has been taken under Section 403 and 387

of the Indian Penal Code. The First Information Report was

registered against unknown on the written report of Opposite

Party No.2 Dr. Navin Kumar wherein the Opposite Party No.2



alleged that on 03.08.2013 ransom was demanded on mobile call from Mobile No.9931716975 and the caller asked for payment of rupees fifty lacs within a week, failing which the informant was threatened to be ready to face the consequences.

3. During investigation, it revealed that on the date of occurrence the FIR mentioned SIM number was being used in mobile phone bearing IMEI No.3551040521620. The said mobile was purchased in the name of Renu Kumari wife of the petitioner and Renu Kumari stated before the police vide para-93 that the mobile was being used by her husband.

4. Submission of learned counsel for the petitioner is that only suspicion has been raised by remotely connecting the petitioner with the offence alleged, in fact the mobile is not of the petitioner nor the petitioner has demanded any ransom nor Renu Kumari is wife of this petitioner.

5. The entire disputed facts would be subject matter of consideration of trial and it cannot be argued on the basis of material collected during investigation that there is no



substantial material against the petitioner to ask the petitioner to
face the trial. Hence, this application stands dismissed as
devoid of any merit.

Mkr./-

(Birendra Kumar, J)

AFR/NAFR	NAFR
CAV DATE	NA
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