

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24349 of 2019

Arising Out of PS. Case No.-289 Year-2018 Thana- RAJGIR District- Nalanda

SHIV SHANKAR @ SHIV SHANKAR KUMAR @ CHHOTU KUMAR S/o
Vijay Singh R/o village- Begumpur, P.S.- Nalanda, District- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Lakshmi Kant Sharma

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

ORAL ORDER

3 06-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Rajgir P.S. Case No.289 of 2018 registered under Sections 365/34 and, later on, added Section 302 of the Indian Penal Code, pending in the court of the Chief Judicial Magistrate, Nalanda at Biharsharif.

The accusation is that Jaibardhan, the nephew of the informant Rohit Verma, used to go to the Bank boarding on the bike from Damankhanda. On 27.09.2018 at about 05.00 P.M., Jaibardhan proceeded from the Bank for his house but he did not return. Later on, his mobile phone was found switched off. On search, his bag was found near the canal in village-Belaur



(Rajgir) and one empty cartridge and one misfired cartridge were also found there. On query, the villagers disclosed about the hearing of sound of firing by them on 27.09.2018 at about 06.30 P.M. On the basis of the aforesaid fardbeyan of the informant, the present case was instituted on 28.09.2018 under Sections 365/34 of the Indian Penal Code against unknown and after the recovery of the dead body of Jaibardhan on 01.10.2018 near the canal, Section 302 of the Indian Penal Code was also added in this case.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not named in the F.I.R. In course of investigation, one Mithu Kumar was apprehended by the police on 03.10.2018, who, in his confessional statement, stated that on 26.09.2018, he along with Bablu Kumar, Bauwaji, Chhottu Singh (petitioner) and Vikash were present at the platform of the canal in the village-Bargaon. At that time, Bablu, the brother of the petitioner, told him that Jaibardhan has earned much money by petrol-pump and other means and his kidnapping is needed and he will spent money of Rs.1,00,000/- for the same. Later on, Bablu along with his associates, under conspiracy, made plan about the kidnapping of Jaibardhan and also asked him for the supply of mobile with SIM on assurance



to give some money later on. Thereafter, Bablu informed the father of Jaibardhan about the kidnapping of Jaibardhan by him and his other associates. It has only come in the confessional statement of Mithu Kumar, as detailed in paragraph-43 of the case diary, that this petitioner was sitting at the time of making plan about the kidnapping of Jaibardhan, whose dead body was recovered on 01.10.2018 near the canal of the village from where one empty cartridge and one misfired cartridge were also recovered.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer of the petitioner for grant of anticipatory bail stands rejected. However, the petitioner is directed to surrender before the trial court within four weeks from today and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

U		T	
---	--	---	--

