

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76020 of 2018

Arising Out of PS. Case No.-41 Year-2018 Thana- BARIYARPUR District- Munger

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Sameer Kumar, Son of Heera Lal Yadav @ Heera lal Kundan, Resident of
Village/ Mohalla- Patam, P.S. Naya Ram Nagar, District- Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh

For the Opposite Party/s : Mr. Binod Kumar 3

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 25-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since
28.09.2018 in a case registered for the offence punishable
under Sections 364A, 120B and 34 of the Indian Penal Code.

The prosecution case as per the written report of
Subhash Chandra Poddar submitted to SHO, Bariyarpur Police
Station is to the effect that on 14.04.2018 at about 4.20 P.M.,
the son of the informant, Ravi Raj @ Guddu went in company
of Akash Kumar and Nishant Kumar on a motorcycle and ever
since then, he has been missing. It is further alleged that on the
same day at about 10.30 P.M., the informant received a call
from his son's mobile when extortion of Rs.15,00,000/- was
demanded from the other side and the caller disclosed his



name as Akash Kumar, son of Krishna Yadav. It is further alleged that the petitioner is not named in the FIR, but in the statement recorded under Section 164 of the Cr. P.C., the victim claims to be 18 years of age whereas the Court has also assessed the same and the victim has stated that he was going to Vijay Nagar to see of one of his friend but as soon as he reached near Kali Asthan, all the four accused, namely, Sumo Yadav, Akash Yadav, Krishna Yadav and the petitioner (Sameer Yadav) took him to Patam and kept him in the house of co-accused Krishna Yadav. They also assaulted the victim and demanded an extortion of Rs.15,00,000/-.

It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR and similarly situated co-accused person has been granted bail by the Court below. It is further submitted that in the background of land dispute, the accusation has been levelled against the petitioner.

Learned APP submits that in the statement made under Section 164 Cr.P.C., the victim has named the petitioner.

Considering the accusation being corroborated by statement of the victim recorded under Section 164 of the Cr. P.C., this Court is not inclined to grant bail to the petitioner for the present, in connection with **Bariyarpur P.S. Case No. 41**



**of 2018, pending in the Court of learned A.C.J.M.-II,
Munger.**

However, the trial court is expected to expedite the trial. It is made clear that if the trial is not concluded within a period of one year the petitioner would be at liberty to renew the prayer for bail.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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