

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42870 of 2019

Arising Out of PS. Case No.-208 Year-2016 Thana- KUSHESHWARASTHAN District-
Darbhanga

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RAKESH KUMAR @ BAUA @ BAUA SINGH Son of Pramod Singh
Resident of Village - Thuddi Mohanpur, P.S.- Chautham, Distt - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 26-09-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Kusheshwar Asthan P.S.Case No.208 of 2016 dated 13.10.2016 registered for offences punishable under Sections 364(A), 120(B) of the Indian Penal Code.

As per the FIR, the son of the informant was kidnapped by the accused persons and demanded ransom and later on during the investigation it has come that one Munni Devi has called and taken him and thereafter there was demand by the accused persons . So far this petitioner is concerned his name transpired in the statement of the victim recorded under Section 161 Cr.P.C. as well as the confessional statement of the co-accused. Apart from that it appears that in the diary, it is mentioned that he is accused in two other cases whereas in the petition in para 3, he has stated that he has no criminal antecedent.



Submission of the learned counsel for the petitioner is that in the statement the victim has not named this petitioner and there are no other circumstances against this petitioner except that he was looking in the room through ventilation and Munni Devi has disclosed his name.

Heard learned A.P.P. , who has opposed the prayer for bail on the ground of suppression of the antecedent of the petitioner. .

Having heard both sides and in view of the facts and circumstances, as stated above, I am not inclined to grant privilege of anticipatory bail to the petitioner, however, the petitioner is directed to surrender before the learned court below and make prayer for regular bail, which will be considered by the learned court below on the basis of the materials available in the case diary against him without being prejudiced by the order of this Court.

With the aforesaid direction, this application is dismissed.

(Vinod Kumar Sinha, J)

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