

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 46334 of 2019

Arising Out of P.S. Case No.-152 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

Pappu Kumar Singh, aged about 25 years, Gender-Male, Son of Yogendra Prasad @ Yogendra Prasad Singh, Resident of Village- Pakri Bangali, P.S.- Siwan Muffasil (Mahadewa), District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ambuj Nayan Chaubey, Mr. Prashant Kumar, Advocates
For the State	:	Mr. Aditya Narayan Singh-1, Advocate
For the Informant	:	Mr. Ranjeet Kumar Pandey, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 09-12-2019

Heard learned counsel for the petitioner; learned APP for the State and learned counsel for the informant, who has *suo motu* appeared.

2. The petitioner seeks bail in connection with Siwan Muffasil (Mahadewa) PS Case No. 152 of 2019 dated 04.04.2019 instituted under Sections 364A, 302, 201 and 120B of the Indian Penal Code.

3. The allegation against the petitioner, three named and 4-5 unknown persons is of kidnapping for ransom and stabbing to death the son of the informant.



4. Learned counsel for the petitioner submitted that in the FIR, only suspicion has been raised and even during investigation, it is only the confessional statement made by co-accused Vikki Kumar, who is said to have taken the deceased on his motorcycle, and the petitioner has been falsely implicated. It was submitted that as per the police, a motorcycle has been recovered from the garage with blood stains but the petitioner neither has a garage nor any motorcycle. Learned counsel submitted that the co-accused Abhishek Kumar has been granted bail by a co-ordinate Bench on 30.09.2019 in Cr. Misc. No. 60192 of 2019.

5. Learned APP and learned counsel for the informant, from the case diary, submitted that the petitioner was the master mind of the entire plan to kidnap. It was submitted that he is the cousin brother of Vikki Kumar and on the confessional statement made by Vicky, both the dead body as well as the recovery of motorcycle from the house of the petitioner has been made and even incriminating articles like knife and bloodstained clothes have been recovered. It was submitted that the petitioner was instrumental in planning the whole episode and the abducted boy upon realizing the situation had started raising a cry, and to silence him, he was stabbed. Learned counsel submitted that in the



petition at paragraph no. 3, a statement has been made that the petitioner has no criminal antecedent, which is completely false, as at least three more criminal cases have been indicated in the case diary itself under serious sections of the Indian Penal Code, including 307. Learned counsel submitted that the postmortem report discloses 13 stab wounds on the neck and face of the 13 years old deceased and the confessional statement clearly gives minute details in the manner such brutal crime has been committed. It was further submitted that in the case of Abhishek Kumar, neither the case diary was before the Court nor the informant could assist the Court and further that from him, no article or incriminating material has been recovered.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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