

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18317 of 2020

Arising Out of PS. Case No.-184 Year-2019 Thana- SALIMPUR District- Patna

VIKASH KUMAR SRIVASTAV @ VIKASH KUMAR SRIVATAVA Son of
Prem Lal Srivastav @ Prem Kumar Resident of Village-Dundi Bazar, Police
Station-Chowk, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyamal Prakash, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

8 02-12-2020 The learned counsel for the parties were heard at length yesterday and today, the instant case has been listed under the heading for orders.

The petitioner seeks regular bail in connection with Salimpur P.S. Case No. 184 of 2019, registered for the offence punishable under Section 365 of the Indian Penal Code.

The case of the prosecution in brief is that on 04.09.2019 at about 9:00 AM., the son of the informant, aged about 18 years, had gone out of his house, whereafter he had become traceless.

The learned counsel for the petitioner has submitted that the petitioner has not been named



in the FIR and he has been roped in the present case merely on suspicion upon the confessional statement made by the other co-accused persons, hence, the petitioner has got no role to play in the alleged occurrence and he is innocent. It is also submitted that the petitioner is having a clean antecedent and he is languishing in custody since 13.09.2019. It is further submitted that the mobile phone of the victim boy has been recovered from the co-accused person, namely, Saurav and since the said Saurav was having animosity with the petitioner herein, he has falsely implicated the petitioner. Lastly, it is submitted that the charge-sheet has been filed and the investigation is complete, hence, the petitioner can be granted bail.

Per contra, the learned APP has vehemently opposed the prayer for bail and submitted that the victim is still traceless and paragraph no. 14 of the report dated 19.11.2020, filed before this Court by the Director General of Police, Bihar, Patna, would show that during the course of investigation, the



mobile of the victim has been recovered from the possession of the co-accused person, namely, Saurav and it has been revealed that the said Saurav and the petitioner herein are well known to each other and the said Saurav had shown his desire for a mobile phone, whereupon the petitioner had told that he has arranged a mobile phone and then, on 06.09.2019, all the accused persons had met Saurav and showed him the mobile phone of the victim boy. It has also transpired during the course of investigation that the co-accused, Karan, wanted to sell the mobile phone for a sum of Rs. 3,500/-, however, upon negotiation, the co-accused person, namely, Saurav, had paid a sum of Rs. 2,500/-, which was then distributed amongst the accused persons. It is thus submitted that the complicity of the petitioner is writ large in the alleged occurrence.

Having heard the learned counsel for the parties and gone through the case diary in question as also the report of the Director General of Police, Bihar, Patna, dated 19.11.2020, which



has been submitted before this Court in pursuance to the order of this Court dated 14.10.2020, detailing therein the steps taken as also narrating the particulars about the de novo investigation conducted in the present case by the SIT and the CID, it is apparent that the SIT / CID has conducted an investigation afresh on all aspects of the matter and it has transpired that the petitioner was called by the co-accused person, namely, Rohit, using the mobile phone of the victim boy, whereafter, the victim boy and the co-accused, Rohit, had gone to Laxmi Hospital where the victim boy and the other co-accused persons including the petitioner herein had eaten Litti and then, they had proceeded to Pashchim Darwaja on foot. It has also been ascertained during the course of investigation that the victim boy along with the co-accused, Rohit, and the petitioner had then gone to Macharhatta by auto where the victim boy was introduced to a girl to spend the night, but he did not like the girl and became angry, whereupon the petitioner and the co-accused, Rohit, got an



inclination that the victim boy would neither give the money nor would arrange wine, hence, they hatched a plan to snatch his mobile phone and money, whereafter, all of them had proceeded to Mangal Talab where they met co-accused, Rishu Sinha and Karn. It has also transpired during the course of investigation that the aforesaid accused persons including the petitioner herein and the victim boy had then gone to Domkhana Gate from where they had proceeded towards a field where the accused persons including the petitioner herein had assaulted the victim boy, snatched his mobile phone and money and returned to Sanichra Ashthan where they had distributed the looted money amongst themselves. It has also been stated in the aforesaid report dated 19.11.2020 that the petitioner has accepted his guilt and the CDRs corroborate the location and the time mentioned by the accused persons in their confessional statement regarding them having been in contact with the victim boy. This Court thus finds not only from the case diary, but also from



the investigation conducted by the SIT / CID, as brought to the notice of this Court by the aforesaid report dated 19.11.2020, filed by the Director General of Police, Bihar, Patna, that not only the complicity of the petitioner in the alleged crime is writ large on the records, but the victim boy is still traceless, hence, I do not find the present case to be a fit case for grant of bail, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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