

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19894 of 2020

Arising Out of PS. Case No.-147 Year-2019 Thana- NALANDA District- Nalanda

RAJA KUMAR Son of Biyadar Ravidas @ Baidar Ram, Resident of Village-
Braham Asthan, P.S.- Laheri, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ganesh Sharma, Adv.

For the Opposite Party/s : Mr.B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 26-08-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Nalanda P.S. Case No.147 of
2019 registered under Section 364 (A) of the IPC.

The informant alleged that on 03.10.2019 his son went to get the train caught to two boys but his son did not return home. The informant made search till the evening but in the evening the informant received call on his Mobile No.9661658105 from his son's Mobile No.7004434463 and his son disclosed that he was being assaulted by several persons and they asked him to pay Rs.5 lacs as ransom otherwise he would be killed. The informant did not give but many calls were made demanding ransom. Thereafter the informant lodged the case.

The learned counsel for the petitioner submits that the petitioner is innocent and he has committed no offence. On



suspicion, the name of the petitioner surfaced in the case. The victim was recovered but the victim did not name the petitioner. The statement of the victim was recorded. The victim identified some persons, namely, Ramu Yadav @ Vikash Kumar, Dablu Kumar, Anil Kumar, Vishal Kumar, Ajay and Bala. He further disclosed that they were calling three persons as Raja, Sagar and Tauhid. It is further submitted that the statement of the victim was not recorded under Section 164 of the Cr.P.C. nor the petitioner was put on T.I.P. It is further submitted that one Nalanda P.S. Case No.148 of 2019 was registered under Section 25(1-B)a and 26 of the Arms Act on 04.10.2019 and the petitioner was remanded in this case on 13.11.2019.

From perusal of the record of Nalanda P.S. Case No.148 of 2019, it would appear that the petitioner was apprehended at 12:00 noon and from possession of the petitioner arms and ammunition were recovered. The present case was registered at 1:10 P.M. and, therefore, the involvement of the petitioner is palpably false and concocted.

Learned A.P.P., however, opposed the prayer for bail.

Perused the record. It appears that the informant lodged the case against unknown for kidnapping of his son. The case was registered at 1:10 P.M. on 04.10.2019. It further



appears from perusal of the case-diary that during course of search the petitioner and other accused persons were apprehended from a brick-kiln and the petitioner confessed his guilt, which would appear from perusal of para 20 of the case-diary. The present case was registered only on 04.10.2019 at 1:10 P.M. and this fact itself shows that during course of investigation, the petitioner was apprehended and he made his confessional statement. The victim was also recovered and many other accused persons were also apprehended along with the petitioner. Therefore, mentioning of time with regard to institution of Nalanda P.S. Case No.148 of 2019 appears to be, on the face of it, not true and the police officer made the same in order to save the petitioner. The victim identified some persons and the accused persons were calling the name of three persons as Raja, Sagar and Tauhid. The petitioner was apprehended and other accused persons were also apprehended with the victim and the victim was recovered from the place where the petitioner was apprehended.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to



day basis and conclude the trial within one year from the date of receipt of this order. If the trial is not concluded within one year, the petitioner may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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