

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22108 of 2020

Arising Out of PS. Case No.-200 Year-2019 Thana- BHAGWAN BAZAR District- Saran

Kallu Turaha @ Lal Ji Turaha, Male, aged about 32 years, Son of Madan Turaha, Resident of Village- Reoti Turaha Tola, P.S.- Reoti, District- Bailia, State- Uttar Pradesh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Advocate

For the Opposite Party/s : Mr. Manoj Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-08-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Surendra Kishore Thakur, learned counsel for the petitioner and Mr. Manoj Kumar No. 1, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Bhagwan Bazar PS Case No. 200 of 2019 dated 10.05.2019, instituted under Section 365 of the Indian Penal Code.

4. The allegation against the petitioner, though not named in the FIR, is that he was involved in the kidnapping of the 13 years old son of the informant, who was mentally weak.



5. Learned counsel for the petitioner submitted that besides not being named in the FIR, no evidence has come with regard to any wrong doing on the part of the petitioner. It was submitted that the petitioner had kept the son of the informant with him at his house for about a week out of compassion, but after that he had gone away and the petitioner is not aware of where he had gone and is also not responsible for the same. Learned counsel submitted that nothing has come with regard to the petitioner having done anything to the son of the informant.

6. Learned APP submitted that the fact that it is admitted that the son of the informant had been kept by the petitioner, who was a total stranger, without any authority, for a week and also without informing either the local police or the informant and thereafter no trace of the victim being available, itself is a strong pointer that the petitioner is involved in missing of the son of the informant.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the background of the admitted position that the victim was kept by the petitioner in his house, despite being a stranger, for a week without any information either to the local police or the informant and thereafter no trace of the boy being found, does



not persuade the Court to grant indulgence to the petitioner.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

J. Alam/-

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