

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23941 of 2020

Arising Out of PS. Case No.-5 Year-2020 Thana- GHOSWARI District- Patna

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RAUSHAN KUMAR @ ROUSHAN KUMAR Son of Sri Dinesh Lal
Resident of Village- Doctor Toli Mokama, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Abhimanyu Sharma, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-11-2020 Heard Mr. Manoj Kumar Pandey, learned counsel for

the petitioner and Mr. Abhimanyu Sharma, learned Additional

Public Prosecutor appearing for the State through video

conferencing.

Petitioner seeks regular bail in connection with

Ghoswari P.S. Case No. 05 of 2020 registered for the offence

punishable under Section 364(A)/34 of the Indian Penal Code

1860.

The allegation as per the First Information Report is

that son of the informant was kidnapped when he had gone to

the field for cutting the tree and in the meanwhile, in the

evening of 14.01.2020, the informant received a call on his

Mobile phone from the Mobile No. 9911469512 and the caller

informed that son of the informant aged about 11 years was



kidnapped and demanded Rs.10,00,000/- as ransom.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and he is having no criminal antecedent. Learned counsel further submits that co-accused Niwas Kumar was arrested and on being searched, one loaded country made pistol has been recovered from his possession and he has admitted the fact regarding kidnapping of the victim and in his confessional statement he has disclosed the involvement of the petitioner along with other accused persons in the present offence. The victim boy has been recovered from the house of relative of Niwas Kumar on the indication of arrested co-accused Niwas Kumar. Learned counsel also submits that petitioner has been implicated in this case on the basis of confessional statement of co-accused as well as on his self exculpatory confessional statement. Learned counsel next submits that the petitioner has not been put on Test Identification Parade and in the statement of the victim boy as well as the informant recorded under Section 164 Cr. P.C. the name of the petitioner has not been disclosed.

On the other hand, learned counsel for the State referring to the case diary submits that co-accused on whose



indication, the victim boy has been recovered, has disclosed the name of the petitioner along with other co-accused persons who were involved in the present offence and petitioner has also in his confessional statement has given the vivid description of the offence committed by him and other accused persons.

Having heard learned counsel for the parties and taking into consideration the materials on record, I am not inclined to grant regular bail to the petitioner.

Accordingly, the prayer for bail of the petitioner stands rejected.

However, the petitioner may renew his prayer for bail after nine months if the trial does not show any progress.

(Anil Kumar Sinha, J)

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