

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 29111 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- SINGHWARA District- Darbhanga

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BABLOO JHA Son of Late Dev Narayan Jha R/o Village-Bengahi, P.S.-
Bairgenia, Distt.-Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Dinesh Jha, Advocate
For the S t a t e	:	Mr Anuj Kumar Srivastava, APP
For the I n f o r m a n t	:	M/s Syed Masleh Uddin Ashraf, Fahad Khurshid, Advocates

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 22-12-2020 As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned counsel for the petitioner, informant and learned APP for the State.

The petitioner seeks bail in Singhwara Police Station Case No 2 of 2020 instituted for the offence punishable under Section 364A of Indian Penal Code.



The First Information Report (for brevity, FIR) alleges that son of the informant, while returning home, has gone missing. FIR has been lodged against unknown persons alleging kidnapping.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR and by recording his false confessional statement, police has taken him in custody on 22.03.2020. The statement of the co-accused to the extent that petitioner had made available a Subscriber Identification Module (for brevity, SIM) of Nepal to facilitate the abduction is baseless as no SIM has been recovered in course of investigation. In the statement recorded under Section 164 of Criminal Procedure Code, the victim has not stated the name of the petitioner.

Learned APP for the State as well as Mr Syed Masleh Uddin Ashraf appearing for the informant submit that the petitioner actively participated in facilitating the abduction of the victim. The petitioner has been identified by the victim in the Test Identification Parade which has been held on 28.05.2020. Petitioner bears criminal antecedent and, as such, he is not entitled to the privilege of bail.

Considering the rival submissions, this Court, for the



present, is not inclined to allow the prayer for bail. The same is
rejected.

(Madhuresh Prasad, J)

M.E.H./-

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