

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80456 of 2019**

Arising Out of PS. Case No.-148 Year-2019 Thana- NALANDA District- Nalanda

Sagar Kumar, Male aged about 25 years, S/O Prem Kumar, Both R/O Village-
Brhamsthan, P.S- Laheri, District- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 07-01-2020

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

2. The petitioner apprehends arrest in connection with
Nalanda PS Case No.148 of 2019 dated 04.10.2019 instituted
under Sections 25(1-b) a, 26 of the Arms Act.

3. The allegation against the petitioner and eight
others is of being party to kidnapping of a person.

4. Learned counsel for the petitioner submitted that he
was not caught at the spot and only because of enmity he has
been named by the persons, who were caught at the spot, due to
dispute relating to flow of dirty water in the locality.

5. Learned APP submitted that a person was
kidnapped and recovered by the police and from there many



persons had fled away and two were caught, who had taken the name of this petitioner. It was further submitted that the plea of false implication is falsified by the fact that the victim in his statement has also stated that the kidnappers while talking to each other had taken the name of the petitioner also.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, the application stands dismissed.

8. However, if the petitioner surrenders before the Court below and prays for bail, the same shall be considered on its own merit without being prejudiced by the present order.

(Ahsanuddin Amanullah, J)

J. Alam/-

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