

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86617 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- PUSA District- Samastipur

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SUJEET KUMAR @ VISHAL GAURAV S/o Sri Braj Kishore Sharma
Residence of Village- Dighara, P.S.- Pusa, District- Samastipur.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh
Mr.Anjani Kumar Sinha
For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

4 07-07-2020 Heard Mr. Bindhyachal Singh, learned counsel for
the petitioner and Mr. Uma Shankar Prasad Singh, learned
counsel for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Pusa P.S. Case No. 39 of 2019
dated 21.04.2019 instituted for the offences under Sections
364A and 34 of the Indian Penal Code.

The petitioner has been made accused in this case
with accusation of having kidnapped the grandson of the
informant but such accusation has only been made on
suspicion.



Later, the victim was recovered who has given his statement under Section 164 Cr.P.C. in which he has cast allegation against the petitioner. It may not be necessary for the court to record the details of the statement made by the victim but it would suffice to say that the victim and the petitioner were known to each other and had appeared in an examination together. Later, the victim was made to sit in a car in which, the petitioner also voluntarily entered and accompanied the victim all through his period of confinement. This gives an impression that the petitioner had some hand in the kidnapping of the victim. Had it not been the case, the petitioner also would have been harmed by the kidnappers.

However, Mr. Singh learned counsel for the petitioner has drawn the attention of this Court to the statement of an independent witness, who has stated that there was some dispute between the petitioner and relatives of the victim which has led to the filing of the present case. The prayer for bail has further been canvassed by the counsel for the petitioner on the ground that petitioner has



pursued his studies diligently and presently he has secured an appointment as a Postman. He has no criminal antecedent.

However, considering the contents of the statement made by the victim boy under Section 164 Cr.P.C., I am not inclined to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail is rejected.

However, if the petitioner surrenders before the court below and seeks bail, the court below shall take into account the entire set of facts in a holistic manner as also the fact that petitioner has no criminal antecedent and shall pass order in accordance with law without being prejudiced by the fact that present petition has not been entertained.

(Ashutosh Kumar, J)

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