

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13997 of 2021

Arising Out of PS. Case No.-251 Year-2020 Thana- KUMAR KHAND District- Madhepura

SIKANDAR DAS @ SIKENDRA DAS Son of Dukkha Das Resident of
Village - Kewatgama Tapra, Tola- Khurda, P.S.- Kumarkhand, Dist.-
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, A.P.P.
For the Informant	:	Mr. Dinesh Prasad Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 06-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under section 364A and 34 of the Indian Penal Code.

As per allegation in the F.I.R., it is stated by the informant that his 12 year old son who had gone to study did not return. On search his cycle was found by the road side. The informant apprehends that he has been kidnapped by accused persons.

It is submitted by learned counsel for the petitioner that the F.I.R. was registered against unknown. His name transpired in course of investigation. No incriminating article



has been recovered from his possession. The son of the informant returned and his statement was recorded under section 164 Cr.P.C., however he has not taken the name of the petitioner. The name of the petitioner transpired on the confessional statement of co-accused, Mukesh Yadav, made before police. The petitioner is in custody since 27.9.2020 and has no criminal antecedent.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that in course of investigation it has transpired that the Scorpio vehicle bearing registration no. BR 19 F-2160 belonging to the petitioner was used in kidnapping of the son of the informant. It is further submitted that out of the six charge-sheet witnesses, two prosecution witnesses have already been examined in Sessions Trial no. 7/2021 pending in the Court of learned Additional District and Sessions Judge-VIII, Madhepura.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case including the allegations of the above mentioned Scorpio vehicle of the petitioner having been used in kidnapping of the victim boy, the Court is not inclined to enlarge the petitioner on



bail and the application is rejected.

At this stage, it is submitted by learned counsel for the petitioner that as per instructions received, the vehicle in question does not belong to the petitioner. The petitioner will be at liberty to renew his prayer for bail in the learned Court below bringing on record documentary evidence to the effect that the vehicle which was used for kidnapping of the victim boy does not belong to him. In case such an application is filed, the learned Court below shall consider the application without being prejudiced by this order of rejection.

(Partha Sarthy, J)

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