

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19853 of 2020

Arising Out of PS. Case No.-120 Year-2019 Thana- MANSI District- Khagaria

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GUNJAN KUMAR Son of Mukesh Ram Resident of Village- Chakhusaini,
P.S.- Mansi, District- Khagaria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Vivekanand Singh
	:	Mr. Praveen Kumar Agrawal
	:	Mr.Santosh Kumar Singh
For the Opposite Party/s :		

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 26-05-2021 The matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the parties.

This application for grant of regular bail arises out of
Mansi P.S. Case No. 120 of 2019 registered for the offences
punishable under Sections 363 and 365 of the Indian Penal
Code.

Accused of kidnapping of a nearly five-year-old
minor child, the petitioner is in custody since 03.06.2019. The
petitioner had earlier approached this Court for grant of regular
bail which was rejected by an order dated 04.12.2019 passed in
Cr. Misc. No. 48686 of 2019 considering the nature of
accusation and the petitioner's criminal antecedent. The
petitioner has renewed his prayer for regular bail by making this



application. It is evident from the statement made in paragraph 3 of the application that the petitioner has following criminal antecedents:-

- “1. Mansi P.S. Case No. 106 of 2014 for offence punishable under Sections 341, 323, 504/34 of the I.P.C.**
- 2. Mansi P.S. Case No. 107 of 2015 for the offence punishable under Sections 307, 160/34 of the I.P.C.**
- 3. Mansi P.S. Case No. 110/2016 for the offence punishable under Sections 364/34 of the I.P.C.**
- 4. Mansi P.S. Case No. 230 of 2016 for the offence punishable under Section 392 of the I.P.C.”**

On perusal of the case diary, it transpires that some of the witnesses had disclosed to the police during the course of investigation that the victim child was seen being taken away by the petitioner in a motorcycle. The occurrence is of 31.05.2019 and the victim child was recovered on 01.06.2019, after the petitioner's arrest. According to the prosecution's case, the victim had gone to the school on 31.05.2019 whereafter he did not return, leading to registration of F.I.R. against unknown.

Mr. Vivekanand Singh, learned counsel appearing on behalf of the petitioner has submitted that the F.I.R. does not disclose any demand of ransom nor any other motive for the petitioner to have kidnapped the child. He has submitted that the statement of the witnesses during the course of investigation to the police to the effect that the kidnapped child was seen moving in a motorcycle with the petitioner is not trustworthy.

It is noteworthy that the petitioner has himself stated



in paragraph 14 of the application that the he had seen the victim going on foot and had fallen down whereafter the petitioner had picked him up and dropped him at a distance of 1/2 Km from that place, on the victim's suggestion that his house was located nearby.

The statements of the prosecution witnesses during the course of investigation thus stand corroborated by the statement of the petitioner made in the present application for bail. The victim in his statement recorded under Section 164 of the Cr.P.C. supports accusation against the petitioner.

In my view, therefore, no case for grant of regular bail is made out for the present.

This application is accordingly rejected.

Let steps be taken by the Court below for expeditious conclusion of the trial. If there is no progress at the trial before the Court below, the petitioner shall be at liberty to renew his prayer for bail after nine months.

(Chakradhari Sharan Singh, J)

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