

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28814 of 2020

Arising Out of PS. Case No.-24 Year-2020 Thana- RAMKRISHNANAGAR District- Patna

DHANANJAY KUMAR Son of Jatan Paswan Resident of Village-
Habibpura, P.S.- Sohasarai, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Prasad Singh
For the Opposite Party/s	:	Mr.Ashok Kumar
	:	Mr. Ganesh prasad

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 27-01-2021 Heard the learned counsel for the petitioner and

Sri Ashok Kumar and Sri Ganesh Prasad, the learned APPs for

the State.

The petitioner seeks regular bail in connection
with Ram Krishna Nagar PS case no. 24 of 2020 instituted for
the offences punishable under Sections 364, 364(A) of Indian
Penal Code.

The case of the prosecution in brief as per the
fardbeyan of the informant namely Mohit Kumar dated
15.01.2020 is that he along with his friend namely Vikash
Kumar were residing in the house of one Jagdish Prasad at Ram
Krishna Nagar (Adarsh Colony) since past two months and they
were engaged in Cyber crime by means of a laptop and mobile.



It has been further alleged that on 13.01.2020 at about 8 pm in the night, one Scorpio vehicle came at the aforesaid house from which 5-6 persons had alighted and kidnapped the informant and his friend Vikash Kumar, had taken them away in the said vehicle and inside the vehicle, they had threatened them as also had told them that they had withdrawn a sum of Rs. 50,000/- from their ATM upon which the informant and his friend had told them that they had never withdrawn their money, nonetheless the said unknown persons had started assaulting the informant and his friend. It is also alleged by the informant that while they were traveling on the Scorpio vehicle, the accused persons had asked the informant and his friend to make mobile call to their relatives to pay a sum of Rs. 3 lacs by way of ransom and after reaching Nalanda, the said miscreants had collected a sum of Rs. 3 lacs from their guardian, however in the meantime, the police had arrived there and one person sitting on the Scorpio vehicle was arrested, who had disclosed his name as Sunny Kumar, however the rest of the miscreants had managed to flee away. The informant has further alleged that the landlord had informed him that the lock of the tenanted room of the informant and his friend was cut by gas cutter machine by the accused persons and the laptop and mobile phone kept there



were stolen. The informant has also stated that one of the miscreants had also taken away the motorcycle of the friend of the informant and the police had also seized the said Scorpio vehicle which was used in the aforesaid crime.

The learned counsel for the petitioner has submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 30.01.2020. The learned counsel for the petitioner has further submitted that co-accused persons namely Shibu Kumar and Vikash Kumar have already been granted the privilege of anticipatory bail by the learned court of Additional District Judge-XII, Patna by an order dated 21.03.2020. It is also submitted that the aforesaid Sunny Kumar has also been granted the privilege of bail by a co-ordinate Bench of this Court vide order dated 22.06.2020, passed in Cr. Misc. no. 14225 of 2020.

Per contra, the learned APPs for the State have vehemently opposed the prayer for bail and have submitted that there is ample material in the case diary to suggest the complicity of the petitioner in the alleged crime and moreover, the petitioner is the driver of the Scorpio vehicle, which was used for abduction of the victim boys and commission of the crime in question.



Infact, the learned counsel appearing for the petitioner has also accepted the factum of the petitioner being the driver of the vehicle in question which has been used in the aforesaid crime, however it has been submitted that the Scorpio vehicle was hired by the accused persons to go to Bihar Sharif, hence the petitioner is not having any complicity in the matter.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties and taking into account the materials available on record as also those available in the case diary, it is apparent that ample materials are available in the case diary to *prima facie* constitute the offence, as alleged by the informant *qua* the petitioner herein and moreover, the petitioner is the driver of the vehicle used in the crime in question, hence his involvement in the alleged occurrence, cannot be disputed. Thus, I do not find the present case to be a fit case for grant of bail. As far as the order dated 22.06.2020, passed by a co-ordinate Bench of this Court is concerned, his case is distinguishable from the present case, inasmuch as no incriminating materials including the ransom amount has been recovered from the said Sunny Kumar and moreover, he is stated to be a student of 10+2 at Nalanda College +2 School whereas the petitioner herein is the driver of the vehicle used in the crime. Consequently, I do not find the



present case to be a fit case for grant of bail, accordingly the
instant bail petition stands dismissed.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

