

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40293 of 2020

Arising Out of PS. Case No.-2 Year-2020 Thana- SINGHWARA District- Darbhanga

NAVAL KISHORE SAHNI S/o Sury Parshad Sahni R/o Village- Athkoni,
P.S.- Hiramma, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Mahendra Thakur
For the Opposite Party/s :	Mr.S.M. Ashraf
	Mrs. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 09-07-2021 Heard Mr. Mahendra Thakur, learned counsel for the petitioner, Mr. S.M. Ashraf, learned counsel for the informant and Mrs. Anita Kumari Singh, learned counsel for the State through video conferencing.

Petitioner seeks regular bail in connection with Singhwara P.S. Case No. 02 of 2020 registered under Section 364 (A) of the I.P.C.

The prosecution case is that the son of the informant namely, Raman Kumar Thakur @ Chhuna while coming from his shop on his bike was kidnapped by unknown persons.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case with oblique motive inasmuch as the name of the petitioner has transpired in



this case on the basis of the confessional statement of the co-accused / Amrendra Kumar Singh recorded on 20.3.2020. Learned counsel further submits that on the basis of confessional statement of the co-accused / Amrendra Kumar Singh the victim boy was recovered from the house of one Ajay Kumar Singh and the statement of the victim boy was recorded under Section 161 of the Cr.P.C. on the same day i.e. on 20.3.2020 in which he has disclosed that he was kept during the course of his captivity in the house of Naval Kishore Sahni (i.e. petitioner) for about one week. Learned counsel further submits that on the next date the statement of the victim boy was also recorded under Section 164 Cr.P.C. in which he has not disclosed the name of the petitioner. However, learned counsel submits that on 10.5.2020 the statement of the victim boy was again recorded under Section 161 of the Cr.P.C. because according to the victim he was not in a proper mental frame when his statement was recorded under Sections 161 & 164 of the Cr.P.C. because he had just come out from the captivity of his kidnapper. Learned counsel next submits that on 10.5.2020 in his statement under Section 161 Cr.P.C. the victim has changed his earlier version and stated that he was kept in the house of the petitioner for about one day only. Learned counsel



next submits that T.I.P. was not held properly and the victim boy had identified the petitioner in crowd. Learned counsel next submits that the co-accused / Amarendra Kumar Singh on whose confessional statement name of petitioner appeared in this case has been granted bail by this court in Cr. Misc. No. 29480 of 2020.

On the other hand, learned counsel appearing for the informant submits that petitioner was actively involved in the said crime inasmuch as the victim boy was kept in his house for ransom and after about 2 ½ months in captivity the victim boy was rescued by the Police on the basis of disclosure of his whereabouts made by the co-accused. Learned counsel further submits that bail of other three co-accused persons namely, Ravi Ranjan Kumar @ Ravi Ranjan Singh, Babloo Jha and Ajay Kumar Singh has been rejected by different Co-ordinate Benches of this court in Cr. Misc. Nos. 23183 of 2020 , 29111 of 2020 and 5820 of 2021. Learned counsel further submits that petitioner has been identified by the victim in T.I. Parade as such petitioner does not deserve the privilege of bail.

In reply, learned counsel for the petitioner submits that other co -accused persons whose bail applications were rejected were having criminal antecedent and the petitioner has



got no criminal antecedent.

Having regard to the submissions made by the parties and taking into consideration the materials available on record , the fact that in the T.I. Parade the petitioner has been identified by the victim boy and the bail application of the some of the co -accused persons have been rejected by this court, I am not inclined to grant regular bail to the petitioner.

Accordingly, the prayer for grant of bail stands rejected.

(Anil Kumar Sinha, J)

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