

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 18542 of 2021

Arising Out of PS. Case No.-161 Year-2020 Thana- BIDUPUR District- Vaishali

1. AMAR NATH PANDEY Son of Dev Nath Pandey Resident of Village - Mile, P.S.- Bidupur, District - Vaishali
2. Pushplata Devi Wife of Gautam Pandey Resident of Village - Mile, P.S.- Bidupur, District - Vaishali
3. Sita Devi Wife of Amar Nath Pandey Resident of Village - Mile, P.S.- Bidupur, District - Vaishali
4. Harsh Kumar @ Harsh Babu Son of Gautam Pandey Resident of Village - Mile, P.S.- Bidupur, District - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivjee Singh

For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 04-01-2022 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned APP for the State.

Learned counsel for the petitioner is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Bidupur P.S. Case No. 161 of 2020 instituted for the offence under Sections 364 and 302/34 of the Indian Penal Code.



As per allegation in the FIR, while the son of the informant, namely, Rajeev Kumar was going to doctor on 07.05.2020 at about 9:00 PM, he was kidnapped by the petitioners and other accused persons. At about 12:10 PM in the night, her son called on the mobile phone of his elder brother Raushan Kumar and told that the petitioners have kidnapped him. After that, his mobile phone got switched off. The elder son of the informant called the Mukhia and Bidupur Police and reached the house of accused Gautam Pandey at about 1:30 AM and knocked his door but the door was not opened. Thereafter, the police called additional police force and son of Zila Parishad Anjan Kumar Singh and then the door was opened and the informant's son Rajeev Kumar was found in semi-conscious condition. The police carried him to PHC, Bidupur where he died.

Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and have committed no offence. They have got no criminal antecedent. They have no concern with the alleged occurrence and the said Gautam Pandey from whose house the son of the informant was recovered. The petitioners have been implicated in this case on mere suspicion. It is further submitted that the son of the



informant was a criminal minded person and he used to tease the girls of the village and on the alleged day of occurrence, in course of fleeing away, he fell from the roof and sustained injuries and died in the hospital. The further submission of the learned counsel for the petitioners is that petitioner nos. 1 and 2 were not present in the village on the alleged date of occurrence.

Learned counsel for the State has opposed the prayer for anticipatory bail of the petitioners. He submitted that the petitioners along with co-accused Gautam Pandey kidnapped the son of the informant and confined him in a room in a semiconscious condition, who ultimately died in the hospital. He submitted that it is a heinous crime and the petitioners do not deserve anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case and the fact that the petitioners kidnapped the son of the informant and put him in a semiconscious condition, who ultimately died, I am not inclined to grant anticipatory bail to the petitioners. Their prayer for anticipatory bail is rejected.

(Sunil Kumar Panwar, J)

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