

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28080 of 2021

Arising Out of PS. Case No.-392 Year-2020 Thana- BIDUPUR District- Vaishali

Vikash Kumar @ Vikash Kumar Chaurasia S/O Ganesh Chaurasiya R/O
Village-Mustafapur, P.S.-Bidupur, District-Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Krishan Jha, Advocate
For the Opposite Party/s : Mr. Sunil Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

7 10-02-2022 The applicant/accused in Crime No. 392 of 2020 registered with Bidupur Police Station for the offences punishable under Sections 363/365/302/201/120B/364A of the Indian Penal Code, by this application is seeking his release on bail during course of the trial.

Heard the learned counsel appearing for the applicant/accused. He took me extensively through the case-diary and argued that there is no evidence to connect the applicant with the crime in question. For this purpose, the learned counsel for the applicant has placed reliance on the statement of witness Sushila Devi as well as that of Sukul Chhaurasiya and argued that Sushila Devi has not named the applicant as a person who was present on the scene of occurrence at the time of occurrence. It is further argued that



confession of the co-accused is not material for inferring the complicity in the subject crime. By taking into paragraph-42 of the case-diary; it is argued that one of the victims named Bikky Kumar is recovered from co-accused Chandrakala Devi and two lady accused are already released on bail.

As against this, the learned Additional Public Prosecutor took me through the case-diary and argued that one of the victim was done to death and the police successfully recovered another victim.

I have considered the submissions so advanced and also perused the materials placed before me.

It is case of the prosecution that accused Chandrakala Devi was not having any child. Therefore, she was desirous of having a son. Her relative Mukul Kumar assured her that he will give a male child to her on payment of consideration by her. That is how an amount of rupees two lacs and fifty thousand was fixed. In pursuant to this, accused persons kidnapped two minor children, namely, Satyam Kumar (aged about 9 years) and Bikky Kumar (aged about 3 years) of first informant Siya Devi on 21.09.2020. It is thus seen that though Sushila Devi is not naming the applicant being in company of the accused persons, Sukul Chaurasiya is stating



association of the applicant with other accused persons soon before the incident as well as at the time of the incident.

It is seen that during the course of investigation digital footprints in the form of call detail records of the present applicant were collected by the prosecution. In the affidavit filed on behalf of the Senior Superintendent of Police, it is stated that location of the cellphone in possession of the applicant was at Judawanpur Chakaushan at about 11:10 PM of 21.09.2021. Then at about 1:54 PM the applicant was at Jadua Pokhar, Hajipur. At about 3:32 PM his location near Turkey, Muzaffarpur, and at about 5:02 PM his location near Kanti P.S. Muzaffarpur where dead body of Satyam Kumar was found in the pool of water at about 7:57 PM. Location of applicant was found at Bhagwan Chowk, Muzaffarpur. It is the case of the prosecution that along with co-accused Chhotu, the applicant had committed murder of one of the kidnapped boy namely Satyam Kumar aged about 9 years. Location of the applicant was found on the way to the place where the dead body was found and he was found to be present as per his digital footprints at the place from where the dead body was recovered.

Considering the nature of evidence collected by the



prosecution, no case for grant of bail is made out in the light of nature of accusation against the applicant. Application is rejected.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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