

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32055 of 2021

Arising Out of PS. Case No.-168 Year-2020 Thana- PUNAURA District- Sitamarhi

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DHEERAJ KUMAR SON OF CHUNCHUN RAUT R/O VILLAGE-
POKHAR BHINDA, P.S.- SAHIYARA, DISTRICT- SITAMARHI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar Jha, Adv.

For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 22-02-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 364A and 34 of the Indian Penal Code.

As per the prosecution case, the doctor wife of the informant was kidnapped and a ransom demand of Rs.20 lacs was made on telephone.

It is submitted by learned counsel for the petitioner that the F.I.R. was registered against unknown. The name of the petitioner transpired in course of investigation. The petitioner has been falsely implicated in the case. From the material that has transpired in course of investigation, at best, suspicion has been raised against the petitioner. The petitioner is in custody since 27.11.2020 and has no criminal antecedent. No



incriminating article has been recovered from his possession and he has not been put on T.I. parade. It is further submitted that a supplementary affidavit has been filed bringing on record the order granting bail to co-accused Sintu Kumar.

The application for bail is opposed by learned A.P.P. for the State who submits that besides the petitioner being named in the statement under section 164 Cr.P.C. of the kidnapped victim, it has come in paragraph no.10 of the case diary that he was caught near the vehicle in which the victim was kidnapped. From the materials on record, it transpires that the date of occurrence is said to be on 25.11.2020 and the victim who was kidnapped returned the same date. Her statement under section 164 Cr.P.C. was recorded on 27.11.2020. However, the Court is surprised to see the order dated 26.2.2021 brought on record with the supplementary affidavit according to which one of the main accused Sintu Kumar was enlarged on bail under section 167(2) of the Cr.P.C. for non-filing of the chargesheet. The Superintendent of Police, Sitamarhi is directed to look into the matter.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the material which has transpired in course of investigation including the



contents of paragraph no.10 of the case diary as also the statement of the victim under section 164 Cr.P.C., the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

(Partha Sarthy, J)

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