

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32672 of 2021

Arising Out of PS. Case No.-24 Year-2021 Thana- AMAW District- Siwan

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1. RAMESHWAR VISHWAKARMA SON OF RADHE SHYAM VISHWKARAMA Resident of Village - Gharai Lar, P.S.- Lar, Distt.- Deoria (U.P.).
 2. NARAYAN VISHWAKARMA SON OF RADHE SHYAM VISHWKARAMA Resident of Village - Gharai Lar, P.S.- Lar, Distt.- Deoria (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Pandey, Adv.
		Mr. Bijay Prakash Singh, Adv.
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-02-2022 Heard Mr. Ranjeet Kumar Pandey, learned counsel

for the petitioners and Mr. Nawal Kishore Prasad, Additional

Public Prosecutor for the State.

Petitioners seek regular bail in connection with Asaon
PS Case No. 24/2021 registered for the offence punishable
under Section 364(A) of the IPC.

The allegation, as per First Information Report, is that
the younger brother of the informant left his house on
08.02.2021 at about 10:00 AM and did not return in that evening
and on 09.02.2021 at 7:21 PM, the informant received call on
his mobile phone from Mobile bearing nos. 9621932364 and



7355141356 and the caller asked the informant to talk to his brother, Pankaj Kumar and further demanded ransom amount of Rs. 6 Lacs for the release of his brother.

Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case and both the petitioners are brothers and they have business relationship with the brother of the victim and due to some dispute in business transaction, they were falsely implicated in this case. Learned counsel further submits that a post dated cheque was given by the informant to petitioner no.1 which has been annexed at Annexure-3 to this petition, which goes to show that they were having business relationship and due to dispute in the business, the petitioners have falsely been implicated. Referring to Annexure-4, learned counsel submits that both the parties have amicably settled their disputes and have arrived at a compromise.

On the other hand, learned counsel for the State, referring to the case diary, submits that the statement of the victim was recorded by the police under Section 164 of the CrPC wherein, he has stated that the petitioners kidnapped the victim and kept him confined in a room situated in Uttar Pradesh. He further submits that the victim boy was recovered



from the room belonging to the petitioners and the recovered mobiles from which the extortion call was made also belonged to the petitioners. He next submits that the story of a post dated cheque is an after thought and Section 364(A) is not a compoundable offence and the said compromise petition goes to show that the informant and others were being pressurized and intimidated by the accused persons.

Regards being had to the submissions made by the parties and taking into consideration the material on record and the statement of the victim recorded under Section 164 CrPC and the fact that the victim was recovered from the room belonging to the petitioners and also recovery of mobile phones of the petitioner by which ransom call was made, I am not inclined to grant regular bail to the petitioner. The same is, accordingly, rejected.

(Anil Kumar Sinha, J)

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