

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44587 of 2021

Arising Out of PS. Case No.-49 Year-2021 Thana- MIRGANJ District- Gopalganj

SAGAR KUMAR @ MANNU, Son of Rabindra Singh, Resident of Village -
Dudhara, P.S.- Goriakothi, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Soban Asghar, Adv.
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-02-2022 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Mirganj P.S. Case No.49 of 2021 registered for
the offences punishable under Sections 414 and 34 of the Indian
Penal Code and Sections 30(1-B)AA/26/35 of the Arms Act. In
connection with the same occurrence one FIR has been lodged
against the petitioner as well under Sections 364(A)/120(B)/34
of the Indian Penal Code giving rise to Mirganj P.S. Case No.48
of 2021 dated 08.02.2021 and that is the criminal antecedent of
the petitioner.



Learned counsel for the petitioner submits that as per the prosecution story the minor son of the informant was kidnapped by unknown criminals in connection with which he had lodged Mirganj P.S. Case No.48 of 2021 on 08.02.2021. The present FIR has been lodged by the S.I. of police saying that in course of investigation of Mirganj P.S. Case No.48 of 2021 and with an intention to arrest the criminals who were involved in kidnapping of the minor boy of the informant, with the help of the technical cell on the basis of surveillance one Scorpio bearing Reg.No.BR29PA5650 was intercepted and in presence of two independent witnesses search was conducted on the body of the persons who were sitting inside the Scorpio. The petitioner is one of the persons who were sitting inside the Scorpio and in his possession one semi-automatic pistol loaded with magazine and one live cartridge were recovered. In course of search of the vehicle, the school bag and some books of the kidnapped boy Ankit Raj were also recovered.

Learned counsel for the petitioner has placed before this Court a copy of the statement of the victim boy recorded under Section 164 Cr.P.C. and the victim boy has stated that while he was going for study on 08.02.2021 at 6.00 am, on the highway four persons in a Scorpio came from the behind and



they pulled him inside the vehicle and thereafter made him to sleep and his face was covered by a shawl. He was taken in the vehicle and after 5-6 hours they gave him 50 rupees and told him to catch the bus from a distance of two kilometers. The victim boy disclosed the registration number of the Scorpio and when he disclosed this number to police, the police intercepted the vehicle.

Learned counsel for the petitioner submits that the fact that no ransom was demanded may be a ground on behalf of the petitioner to seek privilege of bail.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that it is an open and shut case in which a minor boy was kidnapped and the Scorpio number given by the boy was intercepted on chase and then from the Scorpio the kidnappers were arrested. This petitioner was one of them present in the Scorpio and from his possession deadly weapon like semi-automatic pistol loaded with magazine were recovered, therefore, considering the seriousness of the offence and the materials present against the petitioner, he does not deserve privilege of bail.

Having heard learned counsel for the petitioner and



learned APP for the State and upon perusal of the materials placed before this Court, this Court is of the opinion that in a case of this nature in which a minor boy has been kidnapped and then in connection with that on tips when police intercepted the vehicle the petitioner was arrested and from his possession semi-automatic pistol with loaded magazine and cartridge have been recovered, he does not deserve privilege of bail. His prayer for bail is, thus, refused.

Let the trial be expedited.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

