

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54884 of 2021

Arising Out of PS. Case No.-103 Year-2021 Thana- CHAKIA District- East Champaran

Vikas Kumar S/O Bharat Singh R/O Village- Puran Chhapra, P.S.- Bara Chakia, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar Tiwari, Advocate
For the Informant		Mr. Ashok Kumar, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 05-09-2022 Let the defects, if any, be removed within four weeks from today.

Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection with Chakia P.S. Case No. 103 of 2021 for the offences punishable under Sections 364A, 120B/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that the son of the informant Amritanshu Kumar @ Banti was traceless since 6 pm on 30.04.2021. It is further alleged that there was a marriage ceremony in the village and the



informant suspected that some miscreants kidnapped his son. He further alleged that at 8.30.pm, he received a phone call from mobile no. 7654856843 and the caller demanded Rs. 30 lac as a ransom with threatening that in case of none fulfillment of demand his son would be killed.

Learned counsel for the petitioner submits that FIR has been instituted against the holder of mobile no. 7654856843 and not even a suspicion have been raised against the petitioner. The mobile which is said to have been used for the purpose of demanding ransom does not belong to the petitioner. Neither the sim nor the mobile have been purchased by the petitioner and issued in his name and the mobile number belongs to one Shivnath Mahto. However, the police on suspicion apprehended the petitioner and after forcibly obtaining signature on plain paper, converted into confessional statement. Moreover, the petitioner and family of the victim boy known to each other. Further the statement of victim boy also falsify the prosecution case that the boy was recovered from clutches of co-accused Ramesh Ram, though the victim submits that after demanding Rs.2 lac, the co-accused persons let off



the victim boy in the way on 01.05.2021. Apart from that petitioner is having fair antecedent and moreover, the victim boy has been recovered just after 2 days of the occurrence.

On the other hand, learned counsel for the informant as well as State opposed the bail application of the petitioner and submits that the alleged sim and mobile set in question which was said to have been used for demand of ransom has been recovered from possession of the petitioner and moreover, during the course of investigation, he disclosed the where-about the victim boy on the basis of which the boy was recovered from clutches of co-accused Ramesh Ram. Counsel for the State also drawn attention towards Paragraph 28 of the case diary which suggest that on the disclosure made by the petitioner, the boy was ultimately recovered.

Having heard the rival contentions of the parties and taking into consideration the fact that the recovery of mobile bearing no. 7654856843, in question, which is said to have been used for demand of ransom made from the possession of the petitioner coupled with the fact that the recovery of victim boy was also made on the disclosure of



the petitioner, this court is not persuaded to granted
privilege of bail to the petitioner and accordingly, his prayer
for bail stands rejected for the present.

However, the learned trial court will take all
necessary measures to expedite the trial of the petitioner
and conclude the same as early as possible.

(Harish Kumar, J)

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