

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57021 of 2021**

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

AJIT KUMAR Son of Dwarika Sah Resident of Village- Bakhari, P.S.-
Chakiya, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate.
Mr. Abhishek Kumar, Advocate.
For the Opposite Party/s : Mr. Prem Kumar Jha, APP.
For the Informant : Mr. Ashok Kumar Sinha, Advocate.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 12-10-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

Heard Mr. Umesh Chandra Verma, learned counsel for the petitioner, Mr. Ashok Kumar Sinha, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Chakiya P. S. Case No. 103 of 2021 registered for the offences punishable under Sections 364(a), 120(B) read with 34 of the Indian Penal Code.

The prosecution case is based on a written report



filed by the informant alleging therein that his son, namely, Amritanshu Kumar @ Banty was traceless since 30.04.2021 at about 08:30 P.M. It was also alleged that there was marriage ceremony in the village and the informant suspected that some miscreants kidnapped his son. At about 08:30 P.M. he received a phone call from mobile no. 7654856843 and the caller demanded Rs. 30 Lakh as ransom with threatening that, in case, non-fulfilment of the said demand his son would be killed.

Learned counsel appearing on behalf of the petitioner submitted that admittedly, the F.I.R. has been instituted against holder of mobile no. 7654856843 and not even suspicion has been raised against the petitioner. The mobile, which is said to have been used for the purposes of demanding ransom does not belong to the petitioner, neither the SIM card nor the mobile have been purchased by the petitioner and in fact, the mobile number, in question, belongs to one Shivrath Mahto. It is also submitted that the name of the petitioner has transpired on the confessional statement of co-accused Vikas Kumar and it is co-accused Vikash Kumar, who had confessed his complicity in this crime and it is he, who had asked for the ransom but only on suspicion, the petitioner was apprehended. It is further submitted that the petitioner and family members of



the victim boy known to each other and, in fact, the petitioner used to take coaching from the father of the victim boy. It is next submitted that the statement of the victim was recorded after a delay of four days and it was completely tutored. It is also submitted that other co-accused persons, whose name has also transpired in the confessional statement of Vikas Kumar, have been allowed the privilege of bail by learned coordinate Bench of this court in Cr. Misc. No. 51595 of 2021 and Cr. Misc. No. 52293 of 2021 vide orders dated 19.05.2022. It is last submitted that the petitioner having fair antecedent, is in custody since 02.05.2021.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that the victim boy categorically stated the name of the petitioner that he along with Vikas Kumar had taken away the victim boy from motorcycle and kept him in captive for two days. It is also submitted that the trial is going on and out of six charge sheet witnesses, two of them have already been examined.

Learned APP for the State also opposes the bail application and submits that the petitioner is one of the kidnappers, who had taken away the victim boy.



Regard being had to the submissions made on behalf of the parties and taking into account the fact that the victim boy has specifically stated that it is the petitioner and Vikas Kumar, who had taken away on their motorcycle and kept him confined, apart from the fact that the prayer of the co-accused person, namely, Vikas Kumar has also been rejected by this court in Cr. Misc. No. 54884 of 2021 vide order dated 05.09.2022, this court is not persuaded to enlarge the petitioner on bail for the present.

Accordingly the present application stands dismissed.

However, it is expected that the learned trial court will take all necessary measures to expedite and conclude the trial as early as possible.

(Harish Kumar, J)

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