

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50821 of 2022

Arising Out of PS. Case No.-859 Year-2014 Thana- BIHTA District- Patna

=====

Kartikey Kumar @ Kartik Singh @ Master Shaheb S/O Late Jagat Prasad Singh Resident Of Sheonar, P.S.- Mokama, District- Patna, Presently Resident At Flat No. 202, Tufail Residency, Near Hem Plaza, Frazer Road, P.S.- Kotwali, District- Panta

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate Mr. Manoj Kumar, Advocate Mr. Nabin Kumar, Advocate
For the Informant	:	Mr. Jitendra Singh, Sr. Advocate Mr. Rakesh Ranjan, Advocate
For the State	:	Mr. Parmeshwar Mehta, APP

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 09-11-2022 Heard learned counsel for the petitioner, informant and learned A.P.P for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 363, 364, 365, 34 of the Indian Penal Code.

It appears that earlier the anticipatory bail petition of the petitioner was rejected by a coordinate Bench of this Court vide order dated 16.02.2017 passed in Cr. Misc. No. 1744 of 2017.



The accusation is of kidnapping Rajiv Ranjan, uncle of the informant by Anant Singh, Bindu Singh along with 16 other unknown persons from his house.

It is submitted by learned senior counsel for the petitioner that petitioner was not named in the F.I.R. The victim was recovered on 14.11.2014 and on the same very date, the statement of the victim under Section 161 Cr.P.C was recorded but neither the informant or the victim has alleged involvement of the petitioner in the crime. However, in the subsequent statement of the victim which was recorded after eight months from the date of occurrence on 04.07.2015 under Section 164 of the Cr.P.C, the victim has alleged the involvement of the petitioner also in the crime. The police after investigation did not find the case true against the petitioner and submitted final form on 19.09.2018 showing the petitioner as not sent up, but differing with the final form, learned A.J.C.M, Danapur vide order dated 15.01.2019 has taken cognizance against the petitioner. The petitioner is a government teacher and on the alleged date of occurrence, he was busy performing his official duty. It is also submitted that petitioner is a heart



patient and he is still leading his life under strict routine and regular checkup. Moreover, similarly situated co-accused Ashish Kumar Haldar has been granted the privilege of anticipatory bail by Hon'ble Supreme Court in Criminal Appeal No. 1120 of 2017, arising out of SLP(Crl.) No. 9881 of 2016.

Learned senior counsel appearing on behalf of the informant and learned A.P.P for the State have vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the anticipatory bail petition of the petitioner was rejected by a coordinate Bench of this Hon'ble Court on 16.02.2017 with a direction to surrender before learned Court below and pray for regular bail. The petitioner, however, has neither surrendered before learned Court below nor availed the remedy of filing a petition before Hon'ble Supreme Court against the order passed by this Hon'ble Court on 16.02.2017 and after a lapse of five and half years, he has again moved before this Court for grant of anticipatory bail. Learned senior counsel further pointed out that the police initially found the case true as against the petitioner and submitted an application on 02.04.2016 in the



Court of learned A.C.J.M, Danapur for taking cognizance of the offence against the petitioner. However, in the subsequent investigation, the case was not found true against the petitioner and final form was submitted which creates serious doubt with regard to the investigation as against the petitioner. Although, learned A.C.J.M, Danapur, differing with the final form, took cognizance against the petitioner.

Considering the fact that petitioner was not named in the F.I.R and the police after investigation did not sent up the petitioner for trial and submitted final form and the fact that similarly situated co-accused Ashish Kumar Halder has been granted the privilege of anticipatory bail by learned Apex Court, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Danapur, Patna in connection with Bihta P.S. Case No. 859 of 2014, subject to the conditions as laid down under



Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Shageer/-

U		T	
---	--	---	--

