

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10238 of 2024

Arising Out of PS. Case No.-365 Year-2022 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Vikash Yadav @ Vikash Rai @ Vikash Kumar Ray Son of Brahamdev Yadav
Resident of Village- Sedukha Tole Mananpur, P.S.- Khanpur, Distt.-
Samastipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Advocate
For the Informant	:	Mr. Ashok Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner in this case is seeking pre-arrest bail
in connection with Mufassil P.S. Case No. 365 of 2022
registered for the offences punishable under Sections 364(A),
120(B) and 34 of the Indian Penal Code.

3. Earlier his anticipatory bail application was not
entertained after finding that he had not disclosed the complete
criminal antecedents. The petitioner has got five criminal
antecedents as stated in paragraph '3' and he is said to be on bail
in all those cases.

4. As per the prosecution story, the informant alleged

that his son Vikash Kumar was abducted by the FIR named accused persons along with others and thereafter, they called on mobile and demanded ransom.

5. Learned counsel for the petitioner submits that the FIR was lodged in this case on 11.07.2022, the victim was recovered on the same day but his statement under Section 161 CrPC was recorded by the I.O. after one month and the statement under Section 164 CrPC has been recorded by the learned Judicial Magistrate on 17.10.2022. It is submitted that it is a case of false implication, the co-accused Mohit Kumar had called the victim boy from his mobile phone and there was no ransom call from the petitioner's mobile.

6. On the other hand, learned counsel for the informant submits that the victim has stated about the role of this petitioner in his abduction and on bare perusal of the FIR it would appear that there was a ransom call for Rs. 5 lakhs. It is also pointed out that petitioner has got five criminal antecedents, though he is said to be on bail but almost all the cases are registered for commission of serious offences.

7. Having regard to the submissions noted hereinabove, on finding that the victim himself has implicated this petitioner in his statement under Section 164 CrPC and the

petitioner has got criminal antecedent of five cases relating to alleged offences which are serious in nature, this Court is not inclined to grant privilege of pre-arrest bail to the petitioner. The prayer for anticipatory bail is refused.

8. If the petitioner surrenders and prays for regular bail in the court below within a period of four weeks from today, his prayer for regular bail shall be considered on it’s own merit without being prejudiced by the order of this Court.

(Rajeev Ranjan Prasad, J)

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