

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15946 of 2024

Arising Out of PS. Case No.-1353 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

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Kumar Saurabh @ Kanhai, son of Chandra Bhushan Singh @ Chandra Bhushan Prasad Singh, resident of Village- Athri Gorgatta Tola, P.S- Runnisaidpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 03-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Ahiapur P.S. Case No. 1353 of 2023, registered for the alleged offence under Sections 363 of the Indian Penal Code and later on, Section 364(A) IPC was added.

3. As per prosecution case, the minor child of the informant went missing while returning from school and later on, the informant came to know that two miscreants took his child on a motorcycle. The name of the petitioner transpired during investigation as one of the kidnappers who took the child of the informant.

4. The learned counsel for the petitioner submits that



the petitioner is innocent and has been falsely implicated in this case. The petitioner is not named in the FIR and he has been made accused on the basis of his confessional statement. Except suspicion, there is nothing against the petitioner. Though recovery of school uniform of kidnapped child is stated at the instance of the petitioner, but the said clothes were not put to any Test Identification Parade and do not belong to the victim. The petitioner was not identified by the victim or any of the witnesses and even from the CCTV footage. Even the victim was not recovered from the place of the petitioner and recovery was made from the railway station. No one has seen the petitioner with the victim. The mobile phone used in demanding ransom was not owned by the petitioner. Even the motorcycle of the petitioner was not identified for being used in kidnapping of the son of the informant. The petitioner is in custody since 19.10.2023 and is having clean antecedent. The learned counsel further submits that the co-accused person has been granted anticipatory bail by this Court vide order dated 04.04.2024 passed in Cr. Misc. No.21652 of 2024.

5. The learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that the recovery of school bag, school tie, shirt and



other articles of victim were made from the house of the petitioner at his instance and there is no plausible explanation. The learned APP further submits that it was not possible for the child to name the petitioner as the petitioner was not known person. The learned APP further submits that it has come in the statement of the victim boy that while the kidnapped boy was inside the house and police was knocking the door, a person took him away from the place.

6. Having regard to the facts and circumstances of the case as well as submission made on behalf of the parties and considering the fact of recovery of articles of the victim boy at the instance of the petitioner from his house, I am not inclined to enlarge the petitioner on bail.

7. Accordingly, his prayer for grant of bail is rejected.

8. However, the learned trial court is directed to expedite the trial and conclude the same at the earliest.

(Arun Kumar Jha, J)

V.K.Pandey/-

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