

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62205 of 2024

Arising Out of PS. Case No.-182 Year-2024 Thana- SAHPUR District- Patna

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Mukesh Kumar Son of Devendra Singh R/o village - Bhagwatipur, P.S.-
Sahpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Raj Kishor Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 24-10-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Sahpur P.S. Case No. 182 of 2024 dated 18.05.2024 registered under Sections 147, 148, 149, 341, 323, 307, 364, 387, 120(B) of the I.P.C.

3. As per the first information report lodged by one Neeraj Kumar stating therein that his younger brother is a property dealer and on 18.05.2024 while he along with his brother were sitting in their lounge (Dalan), the accused persons including the petitioner / Mukesh Kumar arrived in two black colour Scorpio vehicle and started assaulting the informant's brother and forcibly pulled him in the Scorpio and kidnapped on gun



point. It has further been alleged that a few days before the co-accused / Mithilesh Singh had demanded extortion money of Rs. 500000/- from his brother and when his brother objected, he was threatened with dire consequences.

4. Mr. Ashok Kumar Jha, learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to dispute of money between the co-accused and the brother of the informant. There is no allegation in the F.I.R. of demand of extortion on the petitioner and the petitioner is neither the owner or driver of the Scorpio vehicle. He next submits that the victim came back and his statement under Section 164 Cr.P.C. was recorded on 25.05.2024 in which he has not disclosed the name of the petitioner. In the statement under Section 164 Cr.P.C. he has stated that on the date of occurrence i.e. 18.05.2024 while he was engaged in constructing his office along with his two friends and his brother was also engaged in filling of soil near the boundary and was watering the newly constructed boundary wall, in the meanwhile 10-12 persons arrived there on two Scorpio vehicles and assaulted and kidnapped him. Learned counsel next submits that there is contradiction in the statement of the victim recorded under Section 164 of the Cr.P.C. and the statement of the informant in



the F.I.R. inasmuch as in the F.I.R. the informant has stated that while his brother was sitting at his Dalan on the date of occurrence the accused persons arrived on two Scorpio vehicles, but the victim i.e. the brother of the informant has said otherwise that he was busy in construction alongwith his brother the accused persons arrived on two Scorpio vehicles. He further submits that similarly situated co-accused Alok Raj @ Alok Nawab has been granted the privilege of anticipatory bail by this Court in Cr. Misc. No. 66099 of 2024.

5. Regard being had to the submission made by the parties, taking into consideration the fact that in the statement of the victim recorded under Section 164 Cr.P.C. he has not taken the name of the petitioner specifically whereas he has disclosed the name of some other accused persons involved in the crime and similarly situated co-accused has been granted anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioner.

6. Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of



Judicial Magistrate Ist Class, Danapur, Patna in connection with
Sahpur P.S. Case No. 182 of 2024 subject to the condition as
laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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