

Mukul Kumar vs The State Of Bihar on 23 December, 2021

Author: Satyavrat Verma

Bench: Satyavrat Verma

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29880 of 2021
Arising Out of PS. Case No.-392 Year-2020 Thana- BIDUPUR District
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Mukul Kumar Son Of Sikandar Pandey R/O Village- Chakausan, P.S.-
Bidupur, District- Vaishali.

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-12-2021

Heard learned counsel for the petitioner and Shri Chandra Bhushan Prasad, learned A.P.P. for the State.

The petitioner seeks regular bail in connection with Bidupur P.S. Case No. 392 of 2020 instituted for the offences under Sections 363, 365, 34, 302, 201, 120B and 364(A) of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is in custody since 29.09.2020, is a person with clean antecedent and charge-sheet has been submitted in the case.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that the informant alleges that on 21.09.2020, she did not find her children namely Satyam Kumar, aged nine years and Vikky Kumar, aged three years and thus suspected that her nephew, Patna High Court CR. MISC. No.29880 of 2021(3) dt.23-12-2021 Sanjeet Kumar and his friends have kidnapped her children.

Learned counsel for the petitioner submits that petitioner is not named in the F.I.R. and has been falsely implicated in the present case.

Learned A.P.P. for the State after perusing the case diary vehemently opposes the prayer for regular bail of the petitioner and submits that during the course of investigation it came that mother-in-law of this petitioner wanted to adopt a male child in pursuance whereof this petitioner contacted the other accused persons and asked them to provide a male child for his mother-in-law, in furtherance of the same, it has come during the course of investigation that the two children Satyam and Vikky were kidnapped by Sanjeet and other accused persons and both the child were delivered to this petitioner and his mother-in-law. Further, it has come that the mother-in-law of this petitioner accepted the child aged three years but refused to keep the child aged nine years and thus Sanjeet and his associates, including the petitioner, got apprehensive that in the event if the child is let off, the entire occurrence would come to light and they would get implicated and thus in order to conceal their crime, they committed murder of the child aged nine years.

Learned A.P.P. submits that the petitioner was well aware of the entire fact that as to how and why the conspiracy Patna High Court CR. MISC. No.29880 of 2021(3) dt.23-12-2021 was made, who were instrumental in committing the crime and that his mother-in-law received the child and further based on his confessional statement, the child aged three years was recovered from the possession of the mother-in-law and wife of this petitioner.

Learned counsel for the petitioner submits that mother- in-law of this petitioner Chandrakala Devi has been granted bail by order dated 30.06.2021 in Cr. Misc. No. 23839 of 2021 as such seeking parity, the petitioner be also enlarged on bail.

From perusal of the order dated 30.06.2021 in Cr. Misc. No. 23839 of 2021 it would manifest that the consideration for grant of bail to Chandrakala Devi was that she was not aware that the child which was brought to her was a kidnapped child.

Considering the fact that the petitioner was aware of the entire conspiracy which was hatched and was aware who were instrumental in committing the crime but yet he concealed the same by not disclosing it to the police at the first instance, the Court is not inclined to grant bail to the petitioner. His prayer for bail is thus rejected.

(Satyavrat Verma, J) Rishi/-

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