

Ramesh Sahani vs The State Of Bihar on 2 January, 2023

Author: Rajiv Roy

Bench: Rajiv Roy

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46253 of 2022
Arising Out of PS. Case No.-164 Year-2022 Thana- KESARIA District- Ea
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RAMESH SAHANI SON OF MOSAFIR SAHNI R/O VILLAGE-
SUNDRAPUR, MAGARUA CHATTI, WARD NO.-12, P.S.- KESARIYA,
DISTRICT- EAST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :
For the Petitioner/s : Mr.Rahul Singh, Advocate
For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP
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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-01-2023

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner apprehends his arrest in connection with Kesariya P.S. Case No.164 of 2022 instituted under Sections 363,365 of the Indian Penal Code.

The informant has alleged his minor son (2 ½ years) disappeared while playing. It has further been alleged that this petitioner had threatened him of dire consequences including disappearance of his son and as such it is his suspicion that the petitioner is behind the said kidnapping of his child.

Learned counsel for the petitioner submits that merely on the basis of suspicion, he has been implicated in the matter and in view of the fact that he do not have criminal antecedent, he deserves relief.

Patna High Court CR. MISC. No.46253 of 2022(2) dt.02-01-2023 Learned APP on the other hand opposes the prayer stating that the victim child has still not been recovered and the investigation is going on and as such he should not be granted bail.

Taking into account the aforesaid fact that allegation is of kidnapping of 2 ½ years child, this Court is not inclined to grant him the aforesaid relief.

If however, in the event of his surrender before the sub-ordinate court, it shall take into account the allegation of suspicion, check his criminal antecedent and consider additional facts that may have come up during the course of investigation while deciding the bail application.

With the aforesaid observations, the anticipatory bail application is rejected.

(Rajiv Roy, J) Prakash Narayan /-

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