

# Amaluddin Dewan @ Amaluddin vs The State Of Bihar on 4 April, 2018

**Author: Prabhat Kumar Jha**

**Bench: Prabhat Kumar Jha**

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.53614 of 2017

Arising Out of PS.Case No. -345 Year- 2016 Thana -JOGAPATTI Di

WESTCHAMPARAN(BETTIAH)

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Amaluddin Dewan @ Amaluddin Son of Jumrati Dewan@ Jamrati Dewan  
Resident of Village- Machharagawa, P.S. Jogapatti, District- West  
Champaran.

Versus

The State of Bihar

..... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

For the Opposite Party/s : Mr. Navin Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

3 04-04-2018

Heard both sides.

The petitioner seeks bail in Jogapatti P.S. Case No.345/2016, registered under Section 364(pA) of the Indian Penal Code.

The prayer for bail of the petitioner was earlier rejected by this court vide order dated 12.04.2017 passed in Cr. Misc. No.9387 of 2017.

Learned counsel for the petitioner submits that the petitioner is not named in the F.I.R. The name of the petitioner figured in the case in the confessional statement of co-accused. The petitioner was of course apprehended but the boy was not recovered at the place, disclosed by the accused in their confession. The boy was recovered from the Child Helpline. Even the victim did not name the petitioner in his statement recorded under 164 of the Cr.P.C. Co-accused Anil Kumar, whose name was disclosed by the victim, in his statement under Section 164 of the Cr.P.C. has also been granted bail by co-ordinate Bench of this court vide order dated 12.04.2017 passed in Cr. Misc. No.17316 of 2017.

Perused the F.I.R. and the case diary. Of course, co- accused Manish Sah and Anil Kumar have been granted bail on submission that there is no allegation at all disclosing non-bailable offence against them but it appears from perusal of the entire case diary that it is a case of kidnapping for ransom. Firstly co-accused Anil Kumar was apprehended and he confessed his guilt and disclosed the name of the petitioner and others. Thereafter the police arrested Md. Izhar Alam and Amaluddin Dewan, who confessed their guilt, in pursuance thereof, the police went to Motihari Railway Station and the boy was found at Platform No.1 and victim was kept at Child helpline. There is sufficient material to show that the petitioner is one of the accused in case of kidnapping of a minor boy for ransom. I am not persuaded to grant bail on the ground that other similarly situated accused persons have been granted bail.

Accordingly, the prayer for bail of the petitioner stands rejected.

Learned counsel for the petitioner submits that even the case has not been committed to the court of Session. If the case is not committed to the court of Session, the court in seisin is directed to commit the case forthwith and on such, the trial court shall hold the trial on day to day basis and conclude the same within 9 months from the date of receipt of this order.

The Superintendent of Police, West Champaran (Bettiah) is directed to ensure the attendance of the witnesses in the trial court, so that the trial must be concluded within 9 months. If the trial is not concluded within 9 months, the petitioner may renew his prayer for bail.

Let a copy of this order be sent to the court in seisin as well as the Superintendent of Police, West Champaran (Bettiah) for information and needful.

(Prabhat Kumar Jha, J) Amit/-

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