

(2021) 01 PAT CK 0148

In the Patna High Court

Case No : Criminal Miscellaneous No. 32253 Of 2020

Amar Sahni

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 20-01-2021

Acts Referred:

Indian Penal Code, 1860 — Section 34, 364(a), 506

Citation : (2021) 01 PAT CK 0148

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Surya Narayan Yadav, Md. Arif

Final Decision : Dismissed

Judgement

1. Heard Mr. Surya Narayan Yadav, learned counsel for the petitioner and Mr. Md. Arif, learned Incharge APP for the State.

2. The petitioner is in custody in connection with Hayaghat PS Case No. 88 of 2019 dated 23.12.2019, instituted under Sections 364(a) and 506/34 of the Indian Penal Code.

3. The allegation against the petitioner is that he was one of the persons who had demanded Rs. 4 lakhs from the informant and had kept him captive.

4. Learned counsel for the petitioner submitted that only for mentioning the name of the petitioner as being one of the persons present, there is no other direct allegation against him. It was submitted that the story in the FIR is absurd inasmuch as, the informant has stated that he has come from

Punjab, for getting medicine for his ailing son, to Darbhanga and there it is alleged that he was taken to a hut where he was told that because

somebody else had taken Rs. 4 lakhs from them relating to trade in illicit liquor, the loss be compensated by the informant and for that reason he was

asked to call for Rs. 4 lakhs from his family members. Learned counsel submitted that thereafter it has been stated that the informant made a call on the number 100 and the Officer In-charge of the concerned police station came and rescued him, it cannot be believed that a person would be allowed to talk freely on the mobile if he had been kidnapped. Learned counsel submitted that the informant himself appears to be involved in illicit trade of liquor and because of some dispute in such business, the petitioner has been wrongly and falsely implicated. Learned counsel submitted that the petitioner is in custody since 17.02.2020.

5. Learned APP submitted that the involvement of the petitioner in the illicit trade liquor is apparent as he has criminal antecedent of two cases under the Bihar Excise Act, 2016 and another under grave sections of the Indian Penal Code and also the Arms Act and in the present case also, it is obvious that the informant was kept against his will and not allowed to go home despite his request and was asked to get Rs. 4 lakhs from his home which leaves no doubt that Rs. 4 lakhs asked for was by way of ransom to release him.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail, for the present.

7. Accordingly, the application stands dismissed.