

## Pappu Kumar Singh Vs State Of Bihar

**Court:** Patna High Court

**Date of Decision:** Aug. 11, 2021

**Acts Referred:** Indian Penal Code, 1860 " Section 120B, 201, 302, 364A

**Hon'ble Judges:** Ahsanuddin Amanullah, J

**Bench:** Single Bench

**Advocate:** Vaishnavi Singh, Lakshmi Kant Sharma

**Final Decision:** Dismissed

### Judgement

1. The matter has been heard via video conferencing.

2. Heard Ms. Vaishnavi Singh, learned counsel for the petitioner and Mr. Lakshmi Kant Sharma, learned Additional Public Prosecutor (hereinafter

referred to as the "APP" ) for the State.

3. The petitioner is in custody in connection with Siwan (Mufassil) Mahadeva PS Case No. 152 of 2019 dated 04.04.2019, instituted under Sections

364A, 302, 201 and 120B of the Indian Penal Code.

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by judgment and order dated 09.12.2019 passed in Cr. Misc.

No. 46334 of 2019.

5. The allegation against the petitioner, three named and 4-5 unknown persons is of kidnapping for ransom and stabbing to death the son of the

informant.

6. Learned counsel for the petitioner reiterated the submissions made in the earlier case as has been noted in the judgment and order dated

09.12.2019. She further submitted that another co-accused Abhinav Kumar has been released on bail on the ground of juvenility. Learned counsel

submitted that the cousin of the deceased on whose mobile Vicky Kumar, co-accused had rung up demanding ransom of Rs. 50 lakhs had stated that

he had also met the petitioner on the faithful night and the petitioner had told him that he also did not know where Vicky Kumar was, which clearly

indicates that the petitioner was all along helping the investigation and himself was not involved. It was submitted that as Vicky Kumar is his cousin

brother, the petitioner used to support him and that is why Vicky Kumar had kept the motorcycle in his garage, but the petitioner was neither aware of

such fact that the motorcycle was used in the abduction and had blood stains as he had no reason to suspect anything. Learned counsel submitted that

the petitioner is in custody since 04.04.2019. It was further submitted that in the previous case, the criminal antecedent of the petitioner had not been

disclosed which has been noted by the Court but the same has been disclosed in the present case in paragraph no. 3 and that the petitioner is accused

in three other criminal cases.

7. Learned APP submitted that the petitioner is the kingpin and master mind of the whole incident. It was submitted that the Court had noted in detail

the submissions in the judgment and order dated 09.12.2019, which was on the basis of what had come in investigation in the police diary. It was

submitted that the recovery of the blood stained motorcycle used in the murder of the son of the informant was recovered from the house of the

petitioner and the same could not have been kept without his consent or knowledge. It was further submitted that if the petitioner had informed the

cousin of the deceased on whose mobile the call for ransom was made that he also was not aware about the whereabouts of Vicky Kumar then him

not confronting Vicky Kumar or checking what stuff he was bringing in his house and allowing him to keep the motorcycle clearly indicates that he

was also involved as he was not unaware of the fact that from the mobile of Vicky Kumar, a call for ransom was made and a boy was missing.

Learned counsel submitted that the manner of the murder where the postmortem report discloses 13 stab wounds on the neck and face of a 13 years

old boy as well as the confessional statement clearly discloses the heinous and gruesome manner in which the crime was committed. It was further

submitted that if the contention of the petitioner that he was close to his cousin Vicky Kumar is accepted, then all the more reason that Vicky Kumar

would not falsely implicate the petitioner and, thus, whatever has been stated by him in the confessional statement, appears to be correct. It was

contended that the recovery of the motorcycle also from the house of the petitioner is based on the said confessional statement and the same could not

have been under duress for the police could not have known as to where the motorcycle was since, it was not in the house of Vicky Kumar and, thus,

only upon the voluntary disclosure by Vicky Kumar, the blood stained motorcycle being recovered from the house of the petitioner indicates his full

complicity. Learned APP further submitted that witnesses have also stated that Vicky Kumar was seen taking the deceased on a motorcycle which

also shows that the petitioner was very much actively involved in the crime.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any

mitigating circumstances to reconsider the prayer for grant of bail to the petitioner.

9. Accordingly, the petition stands dismissed.

10. However, in view of submission of learned counsel for the petitioner, it is observed that the Court below shall expedite the trial.