(2011) 05 JH CK 0025

Jharkhand High Court

Case No: B.A. No. 464 of 2011

Chandan Sonar and Chandan Kumar		APPELLANT
	Vs	
The State of Jharkhand		RESPONDENT

Date of Decision: May 6, 2011

Acts Referred:

- Penal Code, 1860 (IPC) - Section 120B, 34, 364A

Hon'ble Judges: Rakesh Ranjan Prasad, J

Bench: Single Bench

Final Decision: Dismissed

Judgement

R.R. Prasad, J.
Heard learned Counsel appearing for the Petitioner and learned A.P.P. appearing for the State.

2. The Petitioner is an accused in a case instituted under Sections 364A/34/120B of Indian Penal Code.

3. Learned Counsel appearing for the Petitioner submits that this Petitioner and other accused persons have been alleged to have conspired to kidnap the "person for ransom and in prosecution of that conspiracy, some of the accused persons kidnapped one Abhimanyu Bhatiya @ Lav Bhatiya and kept him at a place in their captivity, where the police on getting tip off came to rescue the victim but there ensued shoot out in between the police party and the miscreants as a result of which, three miscreants got killed. At the same time, when the police came to know that some other accused persons are going away in a vehicle in order to cross the border of the State, they were arrested at Barhi, but this Petitioner was neither at place of the confinement of the victim nor he is the person who was arrested at Barhi, still he was booked in this case, as he is said to have been named by the victim. The victim subsequently identified this Petitioner in the test identification

parade but it is quite strange to note that the victim has had absolutely no occasion to see the Petitioner at any point of time and, therefore, such identification and even the statement of the victim naming this Petitioner as one of the kidnappers became meaningless and under these situations, this Petitioner deserves to be admitted to bail particularly when all the other accused persons have been admitted to bail by this Court.

4. As against this, learned Counsel for the State submits that it is true that the other accused persons have been admitted to bail but the case of this Petitioner stands on entirely different footing.

5. In this respect, it was pointed out that it was this Petitioner who hatched up conspiracy at the house of Shriniwas Sharma @ Ashok Sharma at Hazaribagh to commit offence of kidnapping at Ranchi and after the victim was kidnapped for ransom, he was kept confined at Jagannathpur where the police came to recover the victim but there took place a shoot out in between the miscreants and the police, in which three persons were killed and then the photographs of those three persons were published in the newspapers and seeing the photographs in the newspapers, one of the witnesses, who was there at Hazaribagh, where this Petitioner had hatched up the conspiracy, identified the photograph of one of the miscreants as a person, who was there with this Petitioner and as such, there has absolutely been no doubt that under the leadership of this Petitioner the alleged offence was committed and that it is the profession of this Petitioner to commit such kind of offence, as he has been accused in not less than five cases of similar nature.

6. Regard being had to the facts and circumstances of the case, I am not inclined to release the Petitioner on bail. Accordingly, the prayer for bail of the Petitioner is rejected.

7. However, keeping in view the period of custody, let the trial be expedited.