

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36639 of 2014

Arising Out of PS.Case No. -26 Year- 2013 Thana -SRI NAGAR District- MADHEPURA

- =====
1. Md. Kajim Son of Late Md. Mohsim
 2. Md. Rafi @ Md. Rafik @ Rafi Ahmad @ Nunu Son of Md. Naseem
Both are resident of village- Puraini, P.S.- Sri Nagar, District-
Madhepura

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Nikesh

For the Opposite Party/s : Mr. Ahmad Ali(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

03/ 13-01-2015

Heard learned counsels for the petitioners

and the State.

The petitioners are languishing in custody since 16.07.2014 in a case registered for the offences punishable under Sections 341, 323, 504 and 364 of the Indian Penal Code.

It is alleged that the informant's son Md. Masoom went with Md. Shahid on a motorcycle to village Puraini where they were restrained but Md. Shahid fled away and son of the informant was kept by FIR named accused persons in the house of Md. Salim. The occurrence was witnessed by Md. Sahrul, Birbal Ram, Md. Jamil and others.

It is submitted by learned counsel for the

petitioners that the informant admittedly is not the eye witness to the occurrence. Md. Shahid in whose company the victim went is the eye witness of the occurrence, but Md. Shahid, Md. Sahrul and Md. Jamil have not been examined during investigation. Only FIR named witness Birbal Ram has been examined, who has not supported the accusation of kidnapping.

A statement has been made in para 3 of the petition that the petitioners have no criminal antecedent.

Counsel for the informant and the State submit that the victim is still traceless.

Considering the fact that either eye witnesses have not been examined or have not supported the accusation, let the above named petitioners, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura in connection with Srinagar P.S. Case No. 26 of 2013.

(Dinesh Kumar Singh, J)

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