

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43054 of 2014

Arising Out of PS.Case No. -78 Year- 2014 Thana -RIGA District- SITAMARHI

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1. Anil Kumar, son of Late Naresh Paswan
 2. Jaikal Devi, wife of Late Naresh Paswan

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Sharma (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 04-03-2015

The petitioners are facing trial in Riga P.S.

Case No.78 of 2014 for the offence punishable under Sections-364, 365 and 120B of I.P.C. The petitioners filed A.B.P. No.1142 of 2014, in the court of learned Sessions Judge, Sitamarhi, for grant of anticipatory bail which was rejected through order dated 1.8.2014. Hence, this application under Section-438 of Cr.P.C. before this Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The allegation against the petitioners is that they had kidnapped one Sonu Kumar. The allegation made in the F.I.R. is, no doubt, serious. The fact, however, remains that the alleged victim was examined by the trial court under Section-164 Cr.P.C. and it is

stated he voluntarily accompanied the petitioner to Delhi and that the same was mistaken by his parents as kidnap.

Having regard to the facts and circumstances of the case, the petition is allowed.

In the event of arrest, the petitioners are directed to be released on bail upon furnishing the bail-bond of Rs.10,000/- (ten thousand) each along with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Sitamarhi in connection with Riga P.S. Case No.78 of 2014, subject to the conditions laid down under Section-438(2) of Cr.P.C.

(L. Narasimha Reddy,CJ)

K.C.jha/-

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