

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43220 of 2014**

Arising Out of PS.Case No. -138 Year- 2014 Thana -BUXAR MUFFSIL District- BUXAR

1. Raj Kumar Rajbhar, Son of Ram Autar Rajbhar, Resident of Village -  
Milki, Post Office - Chunni, Police Station - Buxar (M), District - Buxar  
.... .... Petitioner/s

Versus

1. The State of Bihar  
.... .... Opposite Party/s

With

**Criminal Miscellaneous No.45569 of 2014**

Arising Out of PS.Case No. -138 Year- 2014 Thana -BUXAR MUFFSIL District- BUXAR

1. Savitri Devi, Wife of Raj Kumar Rajbhar, Resident of Village - Milki,  
Post Office- Chunni, Police Station - Buxar (M), District- Buxar.  
.... .... Petitioner/s

Versus

1. The State of Bihar  
.... .... Opposite Party/s

**Appearance :**

(In Cr.Misc. No.43220 of 2014)

For the Petitioner/s : Mr. Rahul Nath, Advocate

For the Opposite Party/s : Mr. Sunil Kr. Panday (APP)

(In Cr.Misc. No.45569 of 2014)

For the Petitioner/s : Mr. Rahul Nath, Advocate

For the Opposite Party/s : Mr. Kr.Virendra Narayan (APP)

**CORAM: HONOURABLE THE CHIEF JUSTICE**

ORAL ORDER

3      03-03-2015                      The petitioners in these two applications filed under  
  
Section 439 Cr. P.C. are husband and wife. The allegation  
  
against them is that they have kidnapped the minor son of the  
  
complainant on 22.05.2014. Petitioner no.1 was arrested on  
  
03.07.2014 and the petitioner no.2 was arrested on 19.09.2014.  
  
B.P.No.63 of 2014 and B.P. No.379 of 2014 filed by them before  
  
the Court of learned Sessions Judge, Buxar were rejected on

27.08.2014 and 01.11.2014 respectively. Hence, these applications.

Heard learned counsel for the petitioners and the learned Additional Public Prosecutor for the State.

Even from the perusal of the F.I.R. this Court prima facie finds that

- (a) the incident is said to have taken place on 22.05.2014, whereas the complaint was submitted on 6.6.2014;
- (b) the complainant himself stated that on 22.05.2014, Savitri Devi, the petitioner in Cr. Misc. No.45569 of 2014, stated that the son of the complainant came to her and she asked him to deliver a lunch box to her husband and that she does not know what happened thereafter.
- (c) If she had an intention to hide the information, she would not have stated that.

At any rate, the truth or otherwise of the allegations against the petitioners needs to be dealt with at the trial. They are under detention for the past several months.

Hence, these applications are allowed. The

petitioners shall be released on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Buxar in connection with Buxar (M) P.S. Case No.138 of 2014.

**(L. Narasimha Reddy, CJ)**

Sunil/-

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