

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33268 of 2014

Arising Out of PS.Case No. -36 Year- 2014 Thana -SONO District- JAMUI

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1. Yamuna Rabidas, son of Late Yaddu Rabidas,
2. Mahesh Rabidas, son of Shankar Rabidas,
3. Pappu Kumar @ Pappu Kumar Das, son of Yamuna Rabidas
4. Shankar Rabidas, son of Late Yaddu Rabidas.
All are residents of village Balthar, P.S. Sono , District-Jamui

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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With

Criminal Miscellaneous No.9691 of 2015

Arising Out of PS.Case No. -36 Year- 2014 Thana -SONO District- JAMUI

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Fuleshwar Ravidas, son of Late Yadu Das, resident of village Balthar, P.S.
Sono, District Jamui.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

(In Cr.Misc. No.33268 of 2014)

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Arun Kr. Singh No. 5, A.P.P.

(In Cr.Misc. No.9691 of 2015)

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Adv.
For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 25-03-2015 Criminal Miscellaneous No. 33268 of 2014 wherein Mahesh Rabidas, Pappu Kumar @ Pappu Kumar Das and Shankar Rabidas are the petitioners while Criminal Miscellaneous No. 9691 of 2015 wherein Fuleshwar Ravidas is the petitioner have been commonly originated out of Sono P.S. Case No. 36 of 2014, on account thereof, have been heard together and are being

disposed of by a common order.

Informant's son, Santosh Kumar gone missing in the evening of 26.02.2014 on account thereof, written report was filed wherein informant has shown her suspicion against Yamuna Rabidas, Mahesh Rabidas, Pappu Kumar @ Pappu Kumar Das, Mathura Rabidas in the background of some sort of quarrel and during course thereof had threatened to kidnap.

It is evident from the case diary that victim was found in the house of the informant himself, however, in injured condition, as is evident from para 12, whereupon was taken to hospital and the Doctor has opined, apart from others, semi conscious. It is also apparent that fardbeyan of alleged victim, namely, Santosh Kumar was recorded at Sadar Hospital, Jamui wherein he has alleged that Yamuna Rabidas, Mahesh Rabidas, Pappu Kumar @ Pappu Kumar Das, Fuleshwar Ravidas, Shankar Rabidas along with four unknown persons apprehended him and on the point of pistol shown by Yamuna Rabidas, they took him away to bamboo cluster, where they assaulted and then took away over motorcycle after putting cloth over his eye. The aforesaid Santosh Kumar was also examined by the Inquiry Officer under Section 161 of the Cr. P.C. as is evident from para 35 wherein, he has put allegation only against Mahesh Rabidas and Yamuna

Rabidas. His statement under Section 164 Cr.P.C. though belated has also been recorded under para 103 of the case diary and during course thereof also he had pinpointed Yamuna Ravidas and Mahesh Rabidas.

It has been contended on behalf of the petitioners that they are own gotias. From the statement of the witnesses, it is apparent that after coming to know about the alleged misfortune, they have also joined in getting the victim searched out. Furthermore, series of documents has been referred to suggest that both parties are on strained relationship since before.

The learned Additional Public Prosecutor assisted by learned counsel for the informant submitted that there happens to be consistency in the statement of the victim regarding the event perceived by him. It has also been submitted that factum of kidnapping is not under controversy because of the fact that petitioners have also admitted the same and during course thereof, as other witnesses have said, they also joined.

Regard being had to the facts and circumstances of the case, I do not see the case of the petitioner, Mahesh Rabidas justifying his prayer for anticipatory bail. Consequent thereupon, his prayer is rejected.

With regard to remaining petitioners, namely, Pappu

Kumar @ Pappu Kumar Das, Shankar Rabidas, Fuleshwar Ravidas, they are directed to 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 the learned Chief Judicial Magistrate, Jamui in connection with Sono P.S. Case No. 36 of 2014 in event of their arrest or surrender within four weeks in terms of the condition so laid down under Section 438(2) of the Cr.P.C.

(Aditya Kumar Trivedi, J.)

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