

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29885 of 2014

Arising Out of PS.Case No. -86 Year- 2014 Thana -BIHPUR District- BHAGALPUR

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1. Kundan Yadav, Son of Late Naresh Yadav
2. Ashutosh Kumar Yadav, Son of Late Naresh Yadav R/o Village
Nanhkar, P.S. Bihpur, District Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Umeshanand Pandit, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 15-01-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners, apprehending their arrest in connection
with Bihpur P.S. Case No. 86 of 2014 registered for the offences
punishable under Section 366(A) of the Indian Penal Code, seek
the privilege of pre-arrest bail.

Allegedly, F.I.R. named accused persons kidnapped the
minor daughter of the informant and the informant, being the eye
witness, saw the occurrence but victim in her statement has given
the name of the petitioners as well as of Amit @ Tempo but she
has stated that nothing has happened with her. They had given one
Laddu by which she became unconscious and when she became
conscious, she found herself at the Police Station. She specifically

states that nothing has happened with her.

Submission is that to save the real culprit i.e. Gulshan the victim being in love with him stated the names of the petitioners and further states that nothing has happened with her and as such, the petitioners deserve sympathetic consideration because there is contradictory statement of the informant and the victim.

On the other hand, the learned A.P.P. fairly submits that there is vital contradiction.

In the facts and circumstances, as stated above, the petitioners namely, Kundan Yadav and Ashutosh Kumar Yadav in case of their arrest or surrender within two month from the date of receipt/production of the copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate., Naugachia in connection with Bihpur P.S. Case No. 86 of 2014, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Jitendra Mohan Sharma, J.)

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