

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37777 of 2014

Arising Out of PS.Case No. -55 Year- 2013 Thana -AADAPUR District-
EASTCHAMPARAN(MOTIHARI)

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Azizur Rahman, son of Late S.K. Ahmad Hussin, resident of village-
Pakariya, P.S. Chauradano, District-East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava

For the Opposite Party/s : Mr. Indu Bala Pandey (App)

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 09-07-2015 The petitioner is facing allegation of kidnapping of a boy and figured as accused in Adapur P.S. Case No. 55 of 2013. Apprehending his arrest, the petitioner filed A.B.P. No. 2507/13 in the court of District and Sessions Judge, East Champaran, Motihari. The same was dismissed on 7-7-2014. Hence, this application is filed before this Court.

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

Learned counsel for the petitioner submits that the allegation against the petitioner is not true and the so called kidnapping has served no purpose whatever. It is also alleged that hardly any motive was suggested and the entire complaint is baseless. The learned Public Prosecutor, on the other hand, submits that the offence against the petitioner is serious in nature

and it is not a fit case for granting bail.

The question as to whether the allegation against the petitioner is true or not needs to be considered at the trial. It is difficult for any court to come a conclusion and that too without conducting trial. The petitioner, if so advised, can surrender before the court below and file an application for regular bail. In such event, the court below can take into account the relevant facts and pass appropriate order on the same day or next day having regard to the fact that the petitioner is an employee.

The application is dismissed with the above observation.

(L. Narasimha Reddy,CJ)

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