

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41278 of 2014

Arising Out of PS. Case No. -123 Year- 2012 Thana -MARHAURA District- SARAN

1. CHANDESHWAR RAI SON OF RAMA NAND RAI
2. GUNJESHWAR RAI @ GUJESHWAR RAI SON OF BHULAN RAI
BOTH ARE RESIDENT OF VILLAGE - GAURA, P.S. -
MARHOWRAH, DISTRICT - SARAN.

.... PETITIONER/S

VERSUS

THE STATE OF BIHAR

.... OPPOSITE PARTY/S

Appearance:

For the Petitioner/s : Mr. Madhaw Prasad Yadav, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 04-03-2015 Learned counsel for the petitioners seeks correction
in the petition, and is allowed.

Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor.

Putting an allegation that victim Chandan Kumar,
aged about 14 years was taken away by these two petitioners
including Rajendra Rai while he was at the place of his sister
Sandhya Devi at village-Kashina on the pretext of illness of
complainant, Abhimanu Yadav who, accordingly filed Complaint
Case No.1081 of 2012 and the same was sent to the local police
for registration and investigation of the case over which
Marhowrah P.S. Case No.123 of 2012 was registered.

From the order impugned, it is evident that alleged
victim Chandan Kumar was produced before the learned

Magistrate for his statement under Section 164 Cr.P.C. wherein he completely demolished the version of the prosecution relating to kidnapping. Furthermore, he had accepted to have executed the sale deed in favour of Chandeshwar Rai however, there happens to be dispute over actual area and on account thereof charge sheet has been submitted under Section 420, 467, 468 of the IPC which, in the facts and circumstances of the case would not have been in the background of the fact that both has got two different version relating to two different kind of occurrence without having proper link.

Consequent thereupon, in event of surrender or apprehension within three weeks from today, petitioners Chandeshwar Rai, Gunjeshwar Rai @ Gujeshwar Rai will be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each, to the satisfaction of learned Sri S.P. Shrivastava, Judicial Magistrate, 1st Class, Saran at Chapra in connection with Marhowrah P.S. Case No.123 of 2012 in terms of condition laid down under Section 438(2) Cr.P.C.

(Aditya Kumar Trivedi, J.)

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