

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34769 of 2014

Arising Out of PS.Case No. -273 Year- 2013 Thana -AMARPUR District- BANKA

=====

1. Niraj Yadav @ Niranjan Yadav son of Saryug Yadav, resident of village-
Belsira, P.S. Fullidumar, District- Banka

.... Petitioner/s

Versus

1. The State of Bihar
2. Ashok Yadav Son of Hari Yadav, resident of village- Belsira, P.S.
Fullidumar, District- Banka

.... Opposite Party/s

=====

with

Criminal Miscellaneous No.43538 of 2014

Arising Out of PS.Case No. -273 Year- 2013 Thana -AMARPUR District- BANKA

=====

SACCHO YADAV @ SACHIN YADAV @ SACHCHO YADAV, Son of
Suresh Yadav resident of village Gajhanda Shayam Sundar, P.S. Barahat,
District Banka

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

(In Cr.Misc. No.34769 of 2014)

For the Petitioner/s : Mr. Brij Nandad Prasad

For the Opposite Party/s : Mr. Shyam Kr. Singh (App)

(In Cr.Misc. No.43538 of 2014)

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Mr. Rita Verma(App)

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 11-03-2015

Heard both sides.

Since both these applications arise out of one and
the same Amarpur (Fullidumar) P.S. Case No. 273/2013, they
have been heard together and are being disposed of by this
common order.

The petitioners apprehend their arrest in a case registered under section 364(A)/34 of the Indian Penal Code.

The informant alleged that petitioner Niraj Yadav took his son to Hyderabad for providing job but later on demanded money for return of his son. It is submitted that the first occurrence is of 08.01.2013. On 18.01.2013 the informant is said to have disclosed that he received a call by which Rs.30,000/- was demanded. Again on 23.02.2013 a demand was made for return of the son of the informant. The complaint petition was filed on 20.07.2013. The victim himself returned to his home and made his statement under section 164 Cr.P.C. on 18.04.2014. The victim was not recovered by any Police Officer. On the other hand, it is submitted that the entire case is false and lodged with ulterior motive.

The learned A.P.P., on the other hand, vehemently opposed the prayer for anticipatory bail of the petitioners.

It appears from the record that the informant alleged that the petitioner Niraj took his son on 8.1.2013. On 18.1.2013 a sum of Rs.30,000/- was demanded. Again on 23.02.2013 Rs.30,000/- was demanded for return of the son of the informant but the complaint petition itself was filed on 20.07.2013 and this fact itself creates reasonable doubt about the veracity of the

prosecution case. The victim was not recovered by the police. He himself came and made his statement under section 164 Cr.P.C. on 18.04.2014.

Considering the facts aforesaid, the above named petitioners, in the event of arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka, in connection with Amarpur (Fullidumar) P.S. Case No. 273/2013, corresponding to G.R. No. 1618 of 2013, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

(Prabhat Kumar Jha, J)

Amin/-

U			
---	--	--	--