

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42397 of 2015

Arising Out of PS.Case No. -56 Year- 2015 Thana -SIMRI District- BUXAR

- =====
1. Subhash Prasad S/o Sri Ram Prasad R/o Village- Durashan, P.S.- Simri,
District- Buxar
2. Dipu Prasad @ Dipu Paswan S/O Dhanu Prasad, R/o Village- Katar,
P.S.- Krishna Brahm, District- Buxar

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad, Adv.

For the Opposite Party/s : Mr. Ram Chandra Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3. 02-12-2015 Learned counsel for the petitioner informed that
petitioner no. 2 Dipu Prasad @ Dipu Paswan has already been
arrested.

Accordingly, the anticipatory bail petition of petitioner
no. 2 is dismissed as has become infructuous.

Heard both sides.

The petitioner apprehends his arrest in Simri P.S. Case
No. 56/2015, registered for the offences punishable under Section
366 and other sections of the Indian Penal Code.

The informant alleged that his daughter had gone to
appear at the intermediate examination in Dumri College, but she
did not return. Arun Kumar @ Sushil Prasad enticed her daughter

for the purpose of marriage.

It is submitted that the petitioner is not named in the F.I.R. The name of the petitioner figured in the case on the basis of statement of uncle of the victim recorded in para 10 of the Case Diary. Bhuvneshwar Prasad uncle of the victim disclosed that he went to the house of Bhai Lal Prasad, Subhash Prasad the petitioner, Radhika Prasad and others. They all said that why the case was lodged; if the case would not have been lodged they would have brought the victim and on such Subhash Prasad the petitioner is made accused.

Learned A.P.P. and learned counsel for the informant have vehemently opposed the prayer for bail.

But from perusal of the case diary it appears that save and except the statement of Bhuvneshwar Prasad there is no material showing the involvement of the petitioner in the kidnapping of the daughter of the informant.

Considering the facts aforesaid, the petitioner, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial

Magistrate, Buxar in connection with Simri P.S. Case No. 56/2015, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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