

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.45629 of 2014

Arising Out of PS.Case No. -228 Year- 2013 Thana -KUCHAIKOTE District- GOPALGANJ

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1. Ganesh Sah @ Ganesh Gupta Son of Banka Sah resident of village-
Nechua Khas, Police Station- Kuchai Kot, District- Gopalganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Rajesh Kumar(App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 08-07-2015 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends arrest in connection with Kuchai
Kot P.S. Case No. 228/2013 for the offences under Sections 364,
366, 371 and 120 (B), later on Section 302 of the Indian Penal
Code is added.

The prosecution case is that the informant's son Kamlesh
Gupta solemnized love marriage with Suman Kumari, daughter of
Babulal Gupta and due to this marriage, the accused persons were
annoyed and they planned to kidnap and murder the son of the
informant. Son of the informant filed an informatory petition in
the Court of learned Chief Judicial Magistrate, Gopalganj against
accused persons on 07.08.2013.

It was further alleged that while the son of the informant was

returning from the police station and when he reached near Karmaihi village, all the named accused persons including the petitioner encircled and abducted the son of the informant.

In pursuance of the search by the informant and other persons, she came to know that the petitioner alongwith one Dhanesh Sah and four to six persons had taken away the son of the informant on a motorcycle. Later on, one disclosed that Ganesh Sah (Petitioner), Dhanesh Sah, Sonu Gupta, Manish Kumar, Ram Prakash Sah, Rakesh Sharma, Ram Pravesh Sah had assaulted the son of the informant. In this regard a report from the Superintendent of Police, Gopalganj had called for on 14.05. 2015 to verify as to whether the petitioner was in India at the relevant date of occurrence or abroad and also with regard to the phone calls , which was said to have been made by the petitioner to the Superintendent of police, Gopalganj.

A report from the Superintendent of Police, Gopalganj has been received vide memo No. 316/ L.C. dated 06.07.2015. In the said report, the Superintendent of Police, Gopalganj has stated that after examining local witnesses including local sarpanch and after verifying the documents annexed with this application, it has come to light that the petitioner went abroad (Maskat) on 08.07.2013 and he came back to India on 26.05.2015 in which period he was in Maskat . Hence, he was not present in India on

07.08.2013 on the date of occurrence of the incident resulting in Kuchaikoat P. S. Case No. 228/2013. It has also been reported by the Superintendent of Police, Gopalganj that during this period, the telephone calls of the petitioner and the telephone of Superintendent of Police, Gopalganj could not be traced due to unavailability of call detail record after a gap of about 2 years.

On consideration of the report of the Superintendent of Police, Gopalganj it appears that the petitioner was not available on the date of occurrence i.e. 07.08.2013 in India, hence, the implication and complexity of the petitioner with the other accused has not been corroborated by this report.

Having considered the facts and circumstances of the case, the above named petitioner is directed that in the event of arrest or surrender within a period of four weeks from today, the above named petitioner Ganesh Sah @ Ganesh Gupta shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in Kuchaikot P.S. Case No. 228/2013, subject to condition as laid down under Section 438 (2) of Cr. P. C.

(Nilu Agrawal, J)

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