

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46394 of 2014

Arising Out of PS.Case No. -74 Year- 2013 Thana -KHUDAGANJ District- NALANDA
(BIHARSHARIFF)

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Niranjan Kumar @ Nageshwar Kumar Son of Harihar Pandit @ Shiv
Kumar Prasad resident of Village Bardaha P.S. Khodaganj Distt. Nalanda

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Mritunjay Kumar Nirala

For the Opposite Party : Mr. Ramesh Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 20-05-2015

Heard both sides.

Sole petitioner apprehending his arrest in connection
with Khudaganj P.S. case no. 74 of 2013 instituted under Section
365 of the IPC, has prayed for anticipatory bail.

The petitioner is cousin brother of the victim. The
victim was traceless from his house from 7.5.2013. A 'Sanha' was
lodged by his father on 18.5.2013. Two months thereafter on
26.7.2013 the FIR was lodged suspecting the hands of the
petitioner and his father in the kidnapping/abduction of his 12
years son.

Learned counsel for the petitioner submits that the
boy was recovered on 20.12.2013 whereafter his statement was



recorded under Section 164 Cr.P.C. on 21.12.2013 in which he has alleged his kidnapping by father of the petitioner who is none else but own brother of the father of the victim. Earlier to this a complaint was lodged by the present informant against his brother vide Complaint case no. 873(c) of 2011 which was treated as an FIR. The same was investigated and final form was submitted whereby the accused persons cited therein were not sent up.

Considering the fact that the petitioner has not been named as an accused who kidnapped the victim in the statement of the victim, I am inclined to privilege him with anticipatory bail. Let the petitioner, in the event of his arrest/surrender before the learned Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Hilsa, Nalanda in connection with Khudaganj P.S. case no. 74 of 2013, subject to the condition as laid down under Section 438(2) of the Cr. P.C. with following conditions:-

- (i) One of the bailors shall be the own/close family member of the petitioner.
- (ii) As soon as the charges are framed



the petitioner shall appear in person before the trial Court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner and secure his arrest in accordance with law.

(Kishore Kumar Mandal, J)

Shyam/-

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