

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45195 of 2015

Arising Out of PS.Case No. -371 Year- 2015 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

- =====
1. Sikandar Das son of Shri Das, resident of Village- Chikani, Police Station- Raxaul, District- East Champaran.
 2. Jiut Das son of Jhotil Das, Resident of Village- Bishunpur Parsa, Braham Tola, Police Station- Manuapul, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-11-2015

Heard learned counsels for the petitioners,

informant and the State.

Petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 364(A) of the Indian Penal Code.

The accusation is kidnapping the informant's son on 18.05.2015 while he was going to market.

It is submitted by learned counsel for the petitioners that for the occurrence of 18.05.2015 the complaint was filed on 08.06.2015 which came to be registered as police case on 03.07.2015. The daughter of co-accused Sahdeo Das @ Parma Das namely Khushbu Kumari was kidnapped at the hands of the informant. The victim of the present case kidnapped the daughter of co-accused Sahdeo Das on 15.05.2015 for which Complaint Case No. 203 of 2015 was filed

on 16.07.2015, wherein cognizance has been taken and in order to save own skin the present case was lodged by the informant.

The certified photocopy of the 164 Cr.P.C statement of the victim has been produced which reflects that the said statement was recorded on 18.09.2015 wherein the victim has stated that he was kidnapped by six unknown persons who made assault and kept him confined for four months. The victim was also pressurizing for performing marriage. Though the victim has named petitioner No. 2.

It is further submitted by learned counsel for the petitioners that petitioner No. 2 is the own nephew of the present informant and brother-in-law of the victim girl Khushbu Kumari whereas petitioner No. 1 is brother-in-law of petitioner No. 2. The 164 Cr.P.C statement of the victim boy reflects that victim of his own returned to his house. The delayed lodging of the complaint and return of the victim suo motu cloud the bona fide of the accusation.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of 12 weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) each with two sureties of

the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Muffasil(Manuapul) P.S. Case No. 371 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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