

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31087 of 2015

Arising Out of PS.Case No. -92 Year- 2012 Thana -BAIKUNTHPUR District- GOPALGANJ

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1. Santosh Pandey Son of Rajendra Pandey
2. Rajkishore Pandey Son of Rajendra Pandey Both resident of village -
Chamapura, P.S. Baikunthpur, District - Gopalganj Petitioner/s
Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad

For the Opposite Party/s : Mr. Ambika Bhagat(Spl. P.P.)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 07-10-2015

Heard both sides.

The petitioners apprehend their arrest in a case under
Section 364/34 of the Indian Penal Code and under section 3 (1)
(x) of the SC/ST Act.

The informant alleged that petitioners took her son to
Mumbai to earn his livelihood in the month of March, 2009 but
her son did not return.

It is submitted that the entire allegation is false and
concocted. The informant earlier filed complaint case No. 33 of
2012 in which she stated that her son went along with petitioners
to Mumbai to earn his livelihood. The complainant did not
disclose that the petitioners forcibly took her son or enticed her
son for going to Mumbai. The complaint petition was dismissed
thereafter the complainant filed this case. Even during the course

of investigation the witnesses have stated that son of the informant came from Mumbai and again went to Mumbai to earn his livelihood. Wife of Kashi Nath Ram has also stated the same facts.

Learned Special P. P., however, opposed the prayer for anticipatory bail but could not be able to show that the petitioners forcibly took the victim to Mumbai.

On perusal of the records, it appears that the victim went along with the petitioners to earn his livelihood. He also came to his house and again went to Mumbai.

Considering the facts aforesaid, the above named petitioners, in the event of their 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gopalganj in Baikunthpur P.S. Case No. 92 of 2012, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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