

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22535 of 2015

Arising Out of PS.Case No. -183 Year- 2014 Thana -GAMAHARIYA District- MADHEPURA

1. Raghu Yadav Son of Jageshwar Yadav resident of Village- Amba, P.s
and Disrict - Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raja Surendra Mohan

For the Opposite Party/s : Mr. B. N. Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 15-09-2015

Heard both sides.

Petitioner seeks bail in a case registered for the
offences punishable under sections 364 and 120-B of the Indian
Penal Code.

Father of the victim alleged that his younger son
Mukesh was missing from 26.12.2014 but on 27.12.2014 Santosh
Yadav and his brother Raghu Yadav (petitioner) called his cousin
Shiv Kumar on his telephone no. 7631100734 from mobile no.
8539845116 and disclosed that they have kidnapped Mukesh
Kumar Yadav. If the stolen motor cycle of Santosh Yadav is not
handed over, Mukesh Yadav will be killed.

It is submitted that the informant is not an eye
witness of the occurrence. On account of some dispute with

regard to stolen motor cycle, this false case has been lodged. From perusal of statements of witnesses Ramdatt Yadav and Lal Kumar in paragraphs 27 and 28 it would appear that the victim himself came but the informant got him concealed and his statement under section 164 Cr. P.C. was not recorded. The Deputy Superintendent of Police supervised the case who also found that the victim has returned and directed the I.O. to get his statement recorded under section 164 Cr.P.C. but till date the victim did not give his statement under section 164 Cr.P.C. It appears that the mobile from which call was made to Shiv Kumar, nephew of the informant, could not be traced out and on mere enmity name of the petitioner has come for kidnapping the victim.

Considering the facts aforesaid, petitioner above named 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 Judicial Magistrate, 1st Class, Madhepura in connection with Gamharia P.S. Case No. 183 of 2014.

(Prabhat Kumar Jha, J)

Amin/-

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