

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.801 of 2015

1. Ratnesh Yadav,
2. Sonu Kumar

.... .. Petitioner/s

Versus

The State of Bihar

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nilesh Kumar

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

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-01-2015

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 365 and 368/34 of the Indian Penal Code.

It is alleged that the informant's brother went to grinding mill on 16.12.2011 and thereafter he did not return. Subsequently, his bag containing flour, slipper, muffler and other articles were recovered. The FIR was registered on 17.12.2011 when the informant claimed that from the villagers he came to know that thirteen FIR named accused persons including the petitioners abducted the brother of the informant.

It is submitted by learned counsel for the petitioners that the informant neither in the FIR nor in the subsequent statement disclosed the names of the persons who disclosed the names of the

petitioners to him. On 17.12.2011 several witnesses were examined by the police but they did not name these petitioners. In paragraph 62 of the case diary after five months, the wife of the victim and other witnesses in paragraph 65 of the case diary claim themselves to be eye witnesses of kidnapping by petitioners and others. Similar statements of other witnesses have been recorded in paragraph nos. 67 and 68 of the case diary.

Hence, it is submitted by learned counsel for the petitioners that the statements of the wife of the victim and other witnesses have been recorded after five months and had these witnesses seen the occurrence, there was no occasion of not mentioning the same in the FIR. It is further submitted that others have been granted bail vide Cr. Misc. No. 41117 of 2012.

Considering the suspicious nature of accusation, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Patna in connection with Jehanabad (Taregna) Rail P.S. Case No. 9 of 2012 subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners shall be accepted on filing affidavit by the petitioners before the learned court below to the effect that they will regularly cooperate in the investigation. The said affidavit will be transmitted to the I.O. concerned. The non-cooperation of the petitioners in the investigation will give liberty to the prosecution to file an application for cancellation of the bail of the petitioners.

(Dinesh Kumar Singh, J)

Anil/-

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