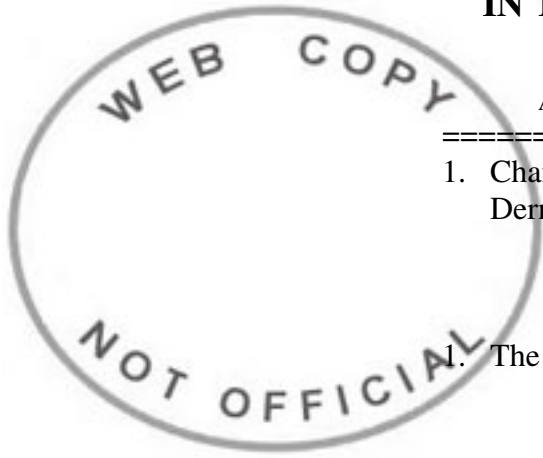




IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37878 of 2015

Arising Out of PS.Case No. -45 Year- 2011 Thana -RAIL District- LAKHISARAI

=====

1. Chandan Prasad Son of Late Sudarshan Prasad Resident of village -
Derni, P.S. Derni, District - Chapra Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Digvijay Narayan Singh

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

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-09-2015

Heard learned counsels for the petitioner and
the State.

Petitioner is apprehending his arrest in a case
registered for the offences punishable under Section 365 of the
Indian Penal Code.

The prosecution case is that husband of the
informant is constable in Jamui District. On 18.06.2011 the
husband of the informant Chandrashekhar Yadav left
Bhagalpur in the night with Farakha express train for Jamui to
join his duty but thereafter he went missing. The First
Information Report was registered against unknown. The name
of the petitioner sprang up during investigation when it is
alleged that victim informed to the constable Raj Kishore Yadav
about his kidnapping and then Raj Kishore Yadav informed the

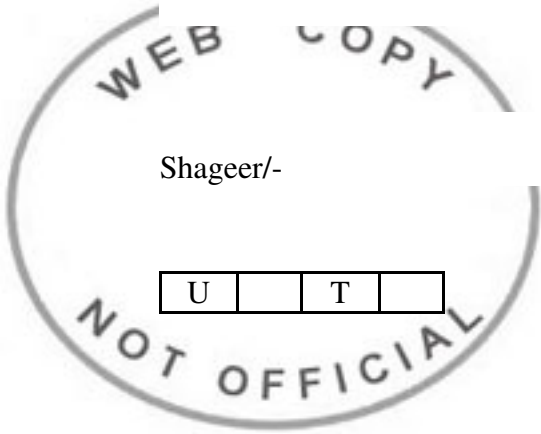
informant.

It is submitted by learned counsel for the petitioner that husband of the informant Chandrashekhar Yadav was apprehended for committing theft of articles of the petitioner in the running train of Lal Kila Express and consequently Kieul Rail P.S. Case No. 47 of 2011 was registered on 03.07.2011 under Section 379 of the Indian Penal Code, wherein on completion of investigation charge-sheet has been submitted and the present case was lodged on 29.06.2011 when the husband of the informant went missing on 26.06.2011. It is further submitted that though case was registered in 2011 but the name of the petitioner sprang up during investigation and till date the investigation has not concluded.

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

Considering the delayed lodging of the present case and the case lodged by the petitioner's side against the husband of the informant at earlier point of time, let the petitioner, above named, in the event of his 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) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Kieul at Lakhisarai in connection with Kieul Rail

P.S. Case No. 45 of 2011, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



(Dinesh Kumar Singh, J)