

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52488 of 2015

Arising Out of PS.Case No. -1113 Year- 2002 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

Pappu Kumar @ Papu Kumar

.... Petitioner/s

Versus

- 1. State of Bihar
- 2. Ram Pati Yadav, s/o Late Raghunandan Yadav, R/O Village- Suara,
P.S.- Dihri, district- Rohtas..

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh

For the Opposite Party/s : Mr. Smt. Sucheta Yadav(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-11-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. 1113/2002 registered for offences punishable
under Section 365 of the Indian Penal Code.

The prosecution case is that on the basis of complaint
bearing Case No. 1113/2002 filed by one Rampati Yadav on
21.09.2002 for offence under Section 364 of the Indian Penal
Code and stating therein that on 31.07.2002 Pappu Kumar
(petitioner) took away the son of complainant, namely,
Rameshwar Kumar @ Ganesh Yadav by Maruti Car bearing its
registration No. BR 13C/-0999 and the son of the complainant has
not yet returned to his home.

It has been submitted by the learned counsel for the petitioner that Ganesh Yadav @ Rameshwar Kumar, who was reported to be traceless, was about 26-28 years.

It has been further submitted by the learned counsel for the petitioner that the date of occurrence as alleged was 31.07.2002 but the complaint was lodged on 21.09.2002 i.e. about two months of alleged occurrence.

Furthermore, it has been submitted by the learned counsel for the petitioner that the son of complainant namely, Rameshwar Kumar @ Ganesh Yadav is himself an accused in several other cases i.e. Dehri P.S. No. 385/2000 under Section 392, Dehri P.S. No. 114/2001 under Section 395, Dehri Rai P.S. Case No. 30/2002 under Section 392 and Sasaram (MU) P.S. Case No. 251/2001 under Section 392 and in most of these cases charge sheet have been submitted against the said Ganesh Yadav @ Rameshwar Kumar, which finds mention in paragraph-13 of the present petition. Hence, no offence can be alleged against the petitioner, who has a clean antecedent.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender within a period of four weeks from today before the Court below be enlarged on bail on furnishing bail bonds of Rs, 10,000/- (ten

thousand only) with two sureties of the like amount each to the satisfaction of learned Sub- Divisional Judicial Magistrate, Dehri-On- Sone, Rohtas in connection with Complaint Case No. 1113/2002, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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