

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9693 of 2015

Arising Out of PS.Case No. -74 Year- 2014 Thana -KHAIRA District- JAMUI

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Rashid Mian Son of Farid Mian Resident of Village-Murbaro, P.S.-Khaira,
District-Jamui.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. A.K.Choudhary(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

05/ 06-07-2015

Heard learned counsels for the petitioner and

the State.

The petitioner is languishing in custody since 11.12.2014 in a case registered for the offences punishable under Sections 364/34 of the Indian Penal Code.

The brother of the informant went missing since 13.05.2014 when the FIR was lodged against Mushan Mian, Mokir Mian, Bokan Mian, Ibrar Mian, Ganauri Mian and Najam Mian. The petitioner was not named in the FIR. His name transpired during investigation when the witness Anwa Devi, Krishnadeo Yadav and the victim named the petitioner. The victim suggested that along with others the petitioner abducted the victim took him to the hills but after few hours after offering food

released him.

It is submitted by learned counsel for the petitioner that even assuming the statement of the victim the offence under Section 364 IPC is not made out. This contention of the learned counsel for the petitioner has not been controverted by the learned APP after going through the case diary that victim was released after few hours and was given proper food.

Considering the statement of the victim and the investigation being concluded, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Jamui in connection with Khaira P.S. Case No. 74 of 2014.

Since the petitioner is accused in three other cases of similar nature, the learned court below will positively cancel the bail bonds of the petitioner, if he substantially gets involved in some serious nature of offence or defaults for two consecutive occasions

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(Dinesh Kumar Singh, J)

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