

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36716 of 2014

Arising Out of PS.Case No. -300 Year- 2013 Thana -CHIRAIYA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Jokhan Thakur, son of Mahindar Thakur
 2. Gopal Thakur, son of Mahindar Thakur,
Both resident of village-Banbirwa, P.S. Kotwa, Distt. East Champaran at
Motihari.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj

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

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR

SAHOO

ORAL ORDER

2 11-02-2015 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners, namely, Jokhan Thakur and Gopal
Thakur apprehend their arrest in Chiraiya P.S. Case No.300 of
2013 under section 365/34 of the Indian Penal Code.

It appears that the F.I.R. was lodged by the father of the
victim alleging that his son was kidnapped by the petitioners and
they took him to Bangalore and he apprehends that his son might
have been killed.

The learned counsel for the petitioners submitted that
subsequently son of the informant was recovered from
Humanitarian Home at Bangalore where he was admitted for



treatment as he was loitering in the street and nobody was there to look after him. When the F.I.R. was lodged against these petitioners, petitioner no.1 enquired about the matter and then came to learn that the son of the informant is there in Humanitarian Home at Bangalore. Therefore, petitioner no.1 deposited Rs.2,000/- in that Home and then the son of the informant was handed over by the petitioners to the police. In such circumstances according to the learned counsel, no offence has been committed by the petitioners and in fact there is no information to the police given by the son of the informant at Bangalore.

The learned counsel further submitted that there has already been compromise between the parties.

On the other hand, the learned A.P.P. objected the prayer for anticipatory bail on the ground that in 164 statement the son of the informant has supported the case that these petitioners were assaulting him and were not providing food to him.

Perused the record. Admittedly according to the F.I.R. eight months ago the informant's son was kidnapped. Admittedly during the eight months, the son of the informant never informed the police regarding any atrocities committed by the petitioners on him. It appears that there is dispute between the parties with

regard to payment of the wages. From perusal of Annexure-2 it appears that the informant's son was found loitering by the side of the road in insane condition. Thereafter Sub-Inspector of Police found him and handed over him to Humanitarian Home, Bangalore. Thereafter petitioner no.1 paid Rs.2,000/- in the said Home and then took the son of the informant and brought him here, which would be evident from Annexure-3.

Considering the above facts and circumstances of the case, I direct the petitioners named above to surrender before the court below within one month from today and on their so surrendering, the petitioners shall be released on bail on furnishing bail bonds of Rs.5,000/-(rupees five thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Sikrahana at Motihari in connection with Chiraiya P.S. Case No.300 of 2013.

(Mungeshwar Sahoo, J)

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