

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46599 of 2015

Arising Out of PS.Case No. -38 Year- 2012 Thana -DIGHALBANK District- KISANGANJ

Javed @ Md. Jebed, son of Late Sahjahan, resident of Jhangar Toli, P.S.
Chakulia, District Uttar Dinajpur (West Bengal)

..... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner : Mr. Kamal Kishore Jha, Advocate

For the Opposite Party : Mr. R.P.S.Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 26-11-2015

This is an application for grant of regular bail in favour of the petitioner who is an accused in connection with Dighal Bank PS Case No. 38 of 2012 for the alleged offences punishable under Sections 363, 366A and 34 of the Indian Penal Code.

There has been delay in the institution of the First Information Report for which there does not appear to be plausible explanation, inasmuch as the occurrence of kidnapping by one Dr. Radhey Shyam Mishra appears to have taken place on 23.6.2012, whereas the FIR came to be instituted merely eleven days thereafter on 4.7.2012. Learned counsel for the petitioner submits that the FIR was instituted on the basis of the statement of the eye-witnesses of the occurrence given to the informant in which the said Dr. Radhey Shyam Mishra was named as the person who had

taken away the victim girl. In the statement recorded under Section 164 CrPC by the victim, she has named the petitioner and one Rafi to have committed the offence.

Learned counsel for the petitioner appears to be right in his submission that the prosecution version as narrated in the FIR and the statement of the victim girl recorded under Section 164 CrPC, have material contradictions which create doubt on the veracity of the accusation made against the petitioner.

The petitioner is said to be having no criminal antecedent.

In view of the submission above, this application is allowed.

Let the petitioner above named, 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 Sub Divisional Judicial Magistrate, Kishanganj, in Dighal Bank PS Case No. 38 of 2012.

This is subject to the condition that the petitioner shall present himself before the Police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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