

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12433 of 2016

Arising Out of PS.Case No. -1026 Year- 2015 Thana -SAHARSA District- SAHARSA

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1. Shourav Kumar @ Saurav Kumar Yadav S/o Abhinandan Yadav,
Resident of Village- Sakra Paharpur, P.S.- Simri Bakhtiyarpur (Balwahat
O.P.). District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

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

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 04-05-2016 Heard the learned counsel for the petitioner and the

learned A.P.P. representing the State.

The petitioner seeks bail in connection with Saharsa
Sadar P.S. Case No. 1026 of 2015 registered for the offences
punishable under Sections 363 and 365 of the Indian Penal
Code.

Allegedly, Saurav Kumar aged 8 years was
kidnapped from Mithila Public School by the petitioner. During
investigation, the petitioner was apprehended by the informant
and others and accordingly, the police arrested him and on the
basis of disclosure made by the petitioner, the victim boy was
recovered from the premises of Sitaram Academy.



Submission is of false implication and that due to enmity, the petitioner has been implicated in this case, as a matter of fact, it is not a case of kidnapping rather only with a view to harass the informant, the victim boy was taken away, the petitioner neither has demanded any ransom nor there was any bad intention on his part. The statement of the victim boy has also been recorded under Section 164 of the Code of Criminal Procedure wherein he has not stated regarding any ill-treatment done by the petitioner.

The learned A.P.P. opposes the prayer of bail by submitting that on the basis of disclosure made by the petitioner, the victim boy was recovered.

In the facts and circumstances stated above, the petitioner, above named, ***shall be released on bail after completion of six months in custody from date of his remand*** on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 1026 of 2015, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner

shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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