

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48027 of 2015

Arising Out of PS.Case No. -32 Year- 2015 Thana -OBRA District- AURANGABAD

1. Vikas Kumar S/o Kamdeo Mehta, Resident of village- Obra, P.S.- Obra,
District- Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.53611 of 2015

Arising Out of PS.Case No. -32 Year- 2015 Thana -OBRA District- AURANGABAD

1. Sonu Kumar @ Chunnu, Son of Late Surendra Sah, Resident of Village-
Obra, Police Station- Obra, District- Aurangabad.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.48027 of 2015)

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Sakir Ahmad(App)

(In Cr.Misc. No.53611 of 2015)

For the Petitioner/s : Mr. Nagendra Kumar

For the Opposite Party/s : Mr. Narsing Tanti (App)

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

ORAL ORDER

3 07-01-2016 Both the criminal miscellaneous applications are of

the same occurrence and, as such, have been heard together and

are being disposed of by this common order.

Heard learned counsel for the petitioners and learned
A.P.P. representing the State.

Petitioners seek bail in connection with Obra P.S. Case
No. 32 of 2015 registered for the offence punishable under Section

363/34 of the Indian Penal Code.

Arti Kumari, the minor daughter of the informant became traceless on 11.12.2013 and then the petitioner Vikash Kumar informed that she is in Neha Hotel with petitioner Sonu Kumar and then the informant went there and saw Arti Kumari with Sonu Kumar and brought her to the house but again she went to the school where she was weeping which information was given by petitioner Vikash Kumar and again Arti Kumari and the petitioner Sonu Kumar were found at the school. Again the informant brought Arti Kumari to the house but again she became traceless. Information was given at police station but no step was taken and thereafter, on 06.01.2014 the informant went before S.P. and thereafter lodged written report on 13.04.2015.

Submission is of false implication and further that the father of the petitioner Sonu Kumar @ Chunnu has died on 05.01.2016, it is not a case of kidnapping rather it appears that the daughter of the informant went away herself and the petitioners have no hand in making her traceless. Against the petitioner Vikash Kumar, there is only allegation that he informed the informant and, as such, no offence as alleged is made out against the petitioner Vikash Kumar and further Chargesheet has already been submitted and there is no chance of tampering with the

prosecution evidence and, as such, petitioners deserve sympathetic consideration.

The learned A.P.P. fairly submits that for the occurrence of 11.12.2013, written report has been lodged on 13.04.2015 resulting due to lapse of time, the victim could not be traced out.

In the facts and circumstances stated above, both the petitioners are directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Learned S.D.J.M., Daudnagar, Aurangabad arising out of Obra P.S. Case No. 32 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 petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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