

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55663 of 2015

Arising Out of PS.Case No. -1 Year- 2015 Thana -MITHANPURA District- MUZAFFARPUR

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Amar Kumar, Son of Ramphal Masih @ Ramphal Masi, resident of Jalesar,
P.S.- Jalesar. District- Mohtar, Nepal.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Ashraf Ansari (App)

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

3 10-02-2016 Heard the learned counsel for the petitioner as well as
the learned A.P.P. for the State.

The petitioner seeks bail in a case for the offences
punishable under sections 363 and 365/34 of the Indian Penal
Code.

Allegedly, Mani Prabhash aged about 12 years, the
son of the informant was taken away by the petitioner which was
seen by the daughter and neighbour of the informant, but the son
of the informant did not return and the petitioner took away him to
Nepal. In telephonic talk, the petitioner confessed that he has
come with boy in Nepal and earlier assurance was given to return
the boy but the son of the informant remained traceless and it is
alleged that the petitioner and other co-accused, after kidnapping

him, made him traceless.

Submission is of false implication and that the petitioner has been made victim of the circumstances, he has go no role in kidnapping of the victim boy, F.I.R. has been lodged after lapse of five days, the informant has manufactured a false story as the petitioner is on inimical term with the informant, the petitioner is daily wage labourer and was living with his sister for his livelihood, the informant herself sent her son somewhere else and lodged this false case, the petitioner was arrested on 9.1.2015 and since then he is suffering in custody. Charge sheet has been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. submits that the victim boy is still traceless.

In the facts and circumstances stated above, considering the detention of the petitioner and further no fruitful purpose is going to be served by keeping the petitioner in custody and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Muzaffarpur in connection with Mithanpura P.S. Case No.1 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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