

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10051 of 2016

Arising Out of PS.Case No. -188 Year- 2015 Thana -BAJPATTI District- SITAMARHI

1. Ashok Rai son of Maheshwar Rai
2. Vinay Rai
3. Sunil Rai Both sons of Ram Sakal Rai All Resident of village-
Mahmadpur, P.S.- Bajpatti, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr Mahendra Thakur, Advocate
Mr. Sanjay Kumar, Advocate
For the Opposite Party/s : Mr. Surendra Pd.Singh(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-05-2016 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners apprehend their arrest in
connection with Bajpatti P. S. Case No. 188/2015 for offences
alleged under Sections 363/364 (A) of the Indian Penal Code.

The prosecution case on the basis of the
Complaint petition filed by the Complainant, Mahendra Rai,
which has been registered under Section 156 (3) of Cr. P. C. is that
when he was at his house, his son Dinesh Rai received a call on
his mobile and he told about meeting with Ashok but did not
return. After hectic search, the younger son of the complainant,

namely, Kamlesh Rai stated that Dinesh Rai was going towards Sitamarhi with Ashok Rai, Vinay Rai, Sunil Rai and Bhola Rai and the informant believed that due to land dispute, the petitioners and others had kidnapped his son.

Learned counsel for the petitioners submit that they are innocent and have been falsely implicated in the aforesaid case and they have no criminal antecedent, as is evident from para-3 of this application and the motive behind such allegation is previous land dispute, which has been supported by all independent witnesses as well as the police in its supervision note that the informant's son is kept in hiding in order to implicate the petitioner. Some of the witnesses have also stated that the informant's son had gone to Delhi.

However, learned A.P.P. for the State submits that the petitioners are named in the F.I.R. and the victim is still traceless, hence opposes the prayer for bail.

Be that as it may, since there is land dispute and the petitioners have no criminal history and the independent witnesses have not supported the prosecution case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) each

with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri at Sitamarhi in connection with Bajpatti P.S. Case No. 188/2015, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Nilu Agrawal, J)

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