

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27069 of 2016

Arising Out of PS.Case No. -20 Year- 2016 Thana -DIGHA District- PATNA

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1. Jainath Rai Son of Loknath Rai
2. Deepak Kumar
3. Indrajeet Rai @ Indrajeet Kumar Both are sons of Jai Nath Rai
4. Pintu Kumar @ Pintu Rai Son of Pramod Rai All are resident of village
- Ramjichak, P.S. Digha, District - Patna

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh

For the Opposite Party/s : Mr. Mustaque Alam(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-07-2016

It is submitted by the learned counsel for the petitioners that petitioner no.1 Jainath Rai has been arrested in this case during the pendency of this application. Hence, this application as against petitioner no.1 has become infructuous.

This application as against petitioner no.1 is, accordingly, dismissed as having become infructuous.

Heard learned counsel for the parties.

Petitioners no. 2 to 4 are apprehending their arrest in a case registered for the offence punishable under sections 363, 365 of the Indian Penal Code.

Prosecution case is that the driver of the tractor Santosh Kumar took away the son of the informant, Rabindra Rai, to work

as labour on the said tractor on 13.1.2016 and thereafter he did not return.

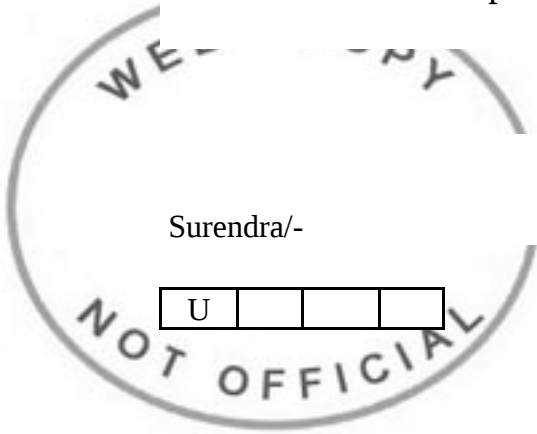
The First Information Report was lodged on 15.1.2016 at 18:30 PM against unknown. Petitioners no. 2 and 3 are sons of petitioner no.1 and petitioner no.4 is nephew of petitioner no.1. From the investigation it transpired that petitioner no.4 Pintu Kumar was seen in the company of the victim, whereas other accused persons talked with the victim on the alleged date of occurrence.

It is submitted by the learned counsel for the petitioners that the prosecution case appears to be doubtful. Had the informant any doubt against the petitioners, then there was no occasion of his not being named in the F.I.R. Petitioners no. 2 and 4 have no criminal antecedent whereas petitioner no.3 is an accused in one case but he is on bail.

Considering suspicious nature of accusation, it is a case for consideration of regular bail.

Let the learned court below consider the prayer for regular bail of petitioners no. 2 to 4, if they surrender before the learned court below within a period of six weeks from today in connection with Digha P.S.Case No. 20/2016 pending in the court of learned Judicial Magistrate, 1st Class, Patna.

With the aforesaid observation, this application is disposed of.



(Dinesh Kumar Singh, J)