

**IN THE HIGH COURT OF JUDICATURE AT PATNA****Criminal Miscellaneous No.42838 of 2016**

Arising Out of PS.Case No. -89 Year- 2016 Thana -KAUAKOL District- NAWADA

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1. Shekhar Yadav Son of Late Brahmdeo Yadav resident of Village-  
Nawadih, Police Station- Kauwakole (Rupau), District- Nawada.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Arun Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**  
ORAL ORDER

3      14-12-2016                      Heard learned counsel for the petitioner as well as  
learned APP.

While informant's son, Tantan Kumar aged about 10  
years, was playing with his co-villagers, Chhotu Kumar and Sintu  
Kumar both being approximately of same age, was kidnapped by a  
motorcycle borne criminal.

It is apparent from the case diary that the victim was  
released by the criminals and after staying for a few days at his  
house, he was examined under Section 164 CrPC (para-75)  
wherein he had disclosed that after kidnapping, the miscreants  
took him away to terrain area where they were calling each other  
as Bablu and Shekhar(petitioner). From the address having been  
shown, it is apparent that the prosecution party as well as  
petitioner happens to be of the same village and that being so, if



the petitioner would have been an accused, then in that event, the victim should have claimed identification of the petitioner to be his co-villager. Lacking thereof, suggests that it happens to be somebody else and not the petitioner.

In the aforesaid facts and circumstances of the case, petitioner, Shekhar Yadav is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Nawada in connection with Kauwakole (Rupau) PS Case No. 89/2016.

**(Aditya Kumar Trivedi, J)**

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