

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31402 of 2016

Arising Out of PS.Case No. -36 Year- 2016 Thana -KOCH District- GAYA

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1. Surendra Mallah
 2. Santosh Mallah, both sons of Suresh Mallah, resident of village Dharahara Tola Mallah Bigha, Police Station Konch, District Gaya
 3. Jitu Mallah son of Ramashish Mallah, resident of village Telapa, Police Station Karpi, District Arwal

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

ORAL ORDER

3 06-10-2016 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend arrest in relation to Konch P.S. case No.36 of 2016 registered under Section 364 of the Indian Penal Code.

The First Information Report was lodged on 7.3.2016 inter alia alleging that the sister of the informant had gone to School on 26.2.2016 but had not returned. First Information Report is being lodged more than a week after her disappearance. Later the girl allegedly escaped from her confinement and reaches home on 8th of March, 2016. On 10th of March, 2016 along with her brother she was produced for recording her statement under Section 164 Cr.P.C. wherein she says that she had been kidnapped

by the petitioners, whose name she came to know because of conversation amongst the petitioners. She was kept confined in a room but after sometime she managed to escape.

It is submitted firstly that the delay in lodging information to the police creates doubt coupled with the fact that if the victim had returned home on 8th of March, 2016 why the police had not been immediately informed and why her statement was not recorded immediately. These facts clearly show that the girl, in fact, had not been kidnapped. F.I.R. does not mention as to the reason why petitioners had kidnapped the girl nor does the girl complain of any misbehaviour with her.

Be that as it may, the petitioners above named, in the event of arrest or surrender in the court below within five weeks from the date of receipt/production of a copy of this order, shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Gaya in connection with Konch P.S. case No.36 of 2016, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Navaniti Prasad Singh, J)

Narendra/-

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