

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47244 of 2016

Arising Out of PS.Case No. -92 Year- 2016 Thana -KHODAWANPUR District- BEGUSARAI

- =====
1. Mithilesh Kumar
 2. Badal Kumar Both sons of Kapildeo Singh Resident of Vill & Post-
Lakhanpatti, P.S-Khodawandpur (Chhourahi O.P.) District- Begusarai

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

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

3 21-12-2016 Heard the learned counsel for the petitioners as well

as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Khodawandpur (Chhourahi O.P.) P.S. Case No. 92 of 2016 for the offences punishable under sections 363 and 365 of the I.P.C.

Allegedly, five years old daughter of the informant became traceless and on enquiry it was learnt that Indu Devi and Mithilesh Kumar had kidnapped her and that Indu Devi, Mithilesh Kumar and Badal Kumar are also traceless from their house. During investigation the victim girl was recovered and she has given her statement recorded under section 164 of the Cr.P.C.



wherein she has made allegation against Indu Devi and Badal Kumar.

Submission is of false implication and that the occurrence is of 03.08.2016, whereas, FIR has been lodged on 07.08.2016, it is not a case of kidnapping rather it appears that the victim girl herself went with Indu Devi and after return being tutored she has stated otherwise naming Indu Devi and petitioner Badal Kumaar and as the petitioners deserve sympathetic consideration.

The learned A.P.P. submits that Badal Kumar is named in the statement recorded under section 164 of the Cr.P.C and he was driving the motorcycle at the time of kidnapping.

In the facts and circumstances as stated above, petitioner no.1 Mithilesh Kumar, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. S.D.J.M Manjhaul, Begusarai in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

So far petitioner no.2 Badal Kumar is concerned, his name has been taken by the victim girl that he was driving the



motorcycle at the time of kidnapping and as such I am not inclined to grant privilege of pre-arrest bail to petitioner no.2 Badal Kumar and accordingly his such prayer stands rejected.

(Jitendra Mohan Sharma, J)

Abhay/-

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