

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56584 of 2015

Arising Out of PS.Case No. -44 Year- 2014 Thana -SHAMBHUGANJ District- BANKA

1. Ashok Das Son of Late Sardari Das
2. Anil Das,
Both are sons of Late Sardari Das, r/o Village Shahjangi, P.S. Habibpur,
District Bhagalpur

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Vivekanand Vivek, Advocate

For the State : Mr. M.Dayal (App)

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

3 22-04-2016 Heard learned counsel for the petitioners and the
State.

The petitioners apprehend their arrest in connection
with Shambhuganj P.S. Case No. 44/2014 registered for offences
punishable under Sections 366(A)/ 34 of the Indian Penal Code.

As per the allegation in the First Information
Report, one Nand Kishore Das along with Gorelal Das had
kidnapped the minor daughter of the informant. It has also been
stated that the informant come to know that besides the aforesaid
accused, the daughter, son-in-law and brothers-in-law of Gorelal
Das namely Ashok Das and Anil Das were also involved in it.



It is contended on behalf of the petitioners that it is a fact that there was a love affair between Nand Kishore Das and the daughter of the informant and she had eloped with him. It is further contended that petitioners have been implicated in this case merely on the basis of suspicion as they happen to be the maternal uncle of the co-accused Nand Kishore Das. It is also submitted that it has come in paragraph 107 of the case diary that informant had received phone call from her daughter that she is living with Nand Kishore Das but he replied that he has nothing to do with the fact as to where she is living. He has also stated that he has severed all the ties with his daughter due to her aforesaid act and on telephone, he has stated to her that now he has nothing to do with her affairs.

Learned counsel for the State has submitted that finger of suspicion has also been raised on the petitioners and as such they have also been made accused in the First Information Report but in paragraph 107 of the case diary, the aforesaid fact has been noted by the police.

Having regard to the facts and circumstances of the case, let the petitioners, namely, Ashok Das and Anil Das be released on bail in the event of arrest/surrender before the court below within a period of six weeks from today in

Shambhuganj P.S. Case No. 44/2014, on furnishing bail bond of Rs.10,000(Ten Thousand Rupees) with two sureties of the like amount each to the satisfaction of Sri A.K. Thakur, Judicial Magistrate 1st class Banka subject to the conditions as laid down under sub-section(2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J.)

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