

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.8733 of 2016

Arising Out of PS.Case No. -241 Year- 2014 Thana -JAGDISHPUR District- BHAGALPUR

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1. Rajneesh Dubey @ Rajneesh Kumar Dubey @ Dablu
2. Ravi Shankar Dubey@Tinsukia
3. Rohit kumar Dubey@Rohit Dubey@Bittu All sons of Sri Satya Narayan Dubey Resident of Village- Tardiha , P.S. Jagdishpur District Bhagalpur.
..... Petitioners.

Versus

The State of Bihar

..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Bhushan Prasad Sinha

For the Opposite Party/s : Mr. A.L.Pandit (App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

3 04-03-2016 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State.

Petitioners are languishing in jail custody since 05-10-2015 in a case registered under Sections-364, 365/34 of the Indian Penal Code on the accusation that on the alleged date of occurrence, they took the victim and after that, the victim went missing. In course of investigation, it came to light that the victim had love affairs with cousin sister of petitioner No. 1.

Admittedly, the investigation has already been completed and police after completion of investigation, submitted charge sheet for the offence punishable under Sections-364, 365/34 of the Indian Penal Code.

Learned counsel, appearing for petitioners submits that even if, prosecution story assumed to be true, then also, it is only a

case of last seen and moreover, co-accused, Arvind Mishra and some others have already been granted privilege of bail by this court. It is also pointed out on behalf of petitioners that paragraph-140 of the case diary goes to show that one, Vivek Choubey was present at Sanhauli between 16.45 hours to 17.22 hours and, therefore, the claim of the informant that the aforesaid Vivek Choubey had come to his show room at 6.30 p.m. is completely false. It is further submitted that moreover, the present case has been lodged after four days of the alleged occurrence.

On the other hand, learned counsel, appearing for informant opposed the prayer for bail of petitioners, pointing out that it were petitioners, who took the victim, who was later on, went missing.

Considering the above-said facts and circumstances of the case as well as submission of the parties, let the petitioners named above, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Jagdishpur P.S. Case No. 241 of 2014 corresponding to Sessions Trial No. 671/2015, Tr. No. 780 of 2015 to the satisfaction of learned Additional District & Sessions Judge-VI, Bhagalpur.

(Hemant Kumar Srivastava, J)

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