

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5163 of 2016

Arising Out of PS.Case No. -117 Year- 2013 Thana -CHANDI District- NALANDA
(BIHARSHARIFF)

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1. Munni Prasad @ Munni Yadav Son of Late Subali Prasad
2. Nitish Kumar Son of Kapil Prasad Both residents of village - Bhadaru
Bigha, Police Station - Nagarnausha, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Opposite Party/s : Mr. L.K.Sharma(App)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 31-03-2016 Heard learned counsel for the parties.

The petitioners apprehend their arrest in connection with
Chandi P.S. Case No.117 of 2013 for the offences punishable
under Section 364/34 of Indian Penal Code.

Learned counsel for the petitioners with reference to an
F.I.R. present at Annexure-2 has submitted that initially an F.I.R.
was instituted by the daughter of one of the accused Kapil Yadav
charging the informant of the present case with abduction and
rape. The F.I.R. was instituted on 10.6.2013 and it is thereafter
that Jamanti Devi has filed a complaint charging the accused
including the petitioner herein of abducting her son Ajit Yadav
with a view to commit murder. It is argued by learned counsel for

the petitioners that the matter was subsequently registered under Section 156(3) of the Code of Criminal Procedure and the police upon investigation submitted final form but the Magistrate deferring there from has taken cognizance and thus although the F.I.R. is instituted in 2013. It is stated that since the cognizance was taken in 2015 hence the delay.

Having heard learned counsel for the parties and considering the circumstances, let the petitioners namely, (1)Munni Prasad @ Munni Yadav and (2) Nitish Kumar in the event of their arrest/surrender within four weeks from today, be released on bail upon furnishing individual bail bonds of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Hilsa, Nalanda in connection with Chandi P.S. Case No. 117 of 2013 subject to the conditions stipulated under Section 438(2) of the Code of Criminal Procedure.

(Jyoti Saran, J)

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