

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29309 of 2016

Arising Out of PS.Case No. -46 Year- 2016 Thana -BALIA District- BEGUSARAI

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Jaillo Yadav Son of late Tetar Yadav Resident of Village- Bari Ballia, P.S.
Ballia, District Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 26-09-2016 Heard both sides.

The petitioner apprehends his arrest in Ballia P.S. Case
No. 46/2016, registered for the offences punishable under Section
363A and other sections of the Indian Penal Code.

The informant alleged that his son Samar Prajapati @
Ashish Kumar was returning after tuition, but the petitioner took
him on his motorcycle for purchasing medicine, but in the
meantime, other accused persons came on Scorpio and kidnapped
the victim.

It is submitted that occurrence took place on 27.08.2015
and the victim boy was recovered from somewhere else, but no
case was registered. The informant filed complaint petition on
22.09.2015 in the Court of Chief Judicial Magistrate, Begusarai
and the same was sent to the police station for institution and

investigation. Thereafter, the present F.I.R. was registered on 02.03.2016. The statement of victim has not yet been recorded under Section 164 Cr.P.C. The police was directed to get the statement of the victim recorded under Section 164 Cr.P.C., but the same was not recorded. It is submitted that the entire case is false and concocted. The boy was not ever kidnapped. Even after recovery of the boy the police did not register the case on the same day and it creates serious doubt about the prosecution case. The petitioner has got no criminal antecedent.

Learned A.P.P. also did not dispute this fact.

Considering the facts aforesaid and the fact that petitioner has got no criminal antecedent, the petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 46/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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