

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39945 of 2016

Arising Out of PS.Case No. -236 Year- 2013 Thana -RAGHUNATHPUR District- SIWAN

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Binod Baitha son of Vishwakarma Baitha Resident of Village-Tari Bazar
P.S.-Raghunathpur District-Siwan

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 22-10-2016 Heard both sides.

The petitioner apprehends his arrest in Raghunathpur P.S. Case No. 236/2013, registered for the offences punishable under Sections 364 and 34 of the Indian Penal Code.

The informant filed complaint case bearing no. 2429/2013 alleging therein that on 03.10.2011 her son and two daughters had gone to withdraw money from the State Bank of India, Raghunathpur, but the named accused and other unknown persons came and at the point of pistol kidnapped Sanjay Manjhi son of the informant. The informant further alleged that on 21.09.2013 the accused persons were saying that they had kidnapped and killed the son of the informant.

Learned counsel for the petitioner submits that the occurrence took place on 03.10.2011, but the complaint petition

was filed on 26.09.2013 about two years after the occurrence. The husband of the informant also filed informatory petition (Sanha) in the police station about the missing of his son on 11.10.2011, but he did not disclose the name of any of the accused persons.

On the other hand, learned A.P.P. opposed prayer for anticipatory bail of the petitioner.

It appears that the complainant of course filed complaint petition after two years of the occurrence, but she made specific allegation that the petitioners kidnapped her son. Two sisters of the victim also made specific allegation that the petitioners kidnapped their brother. Sisters are the eye-witnesses of the occurrence. The informatory petition Sanha no. 215/2011 dated 11.10.2011 of the father of the victim is not brought on record and simply in para 16 of the case diary the contents of the Sanha is mentioned.

Considering the facts aforesaid and the fact that the victim is still traceless, I am not inclined to enlarge the petitioner above-named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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