

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16901 of 2016

Arising Out of PS.Case No. -5 Year- 2014 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

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1. Nagendra Baitha

2. Yogendra Baitha,

3. Mahendra Baitha,

All Sons of Jhigan Baitha, Residents of Village - Bara Pakad Dulma,
P.S. - Madhuban, District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Nawal Kishore Prasad(App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

4 01-07-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with a
case registered for the offences punishable under Sections 364-A,
34 of the Indian Penal Code.

Learned counsel for the petitioners submits that though
there is allegation against the petitioner of having kidnapped the
son of the complainant/informant, the entire allegation is false and
fabricated and the same has been filed after a lapse of three
months from the date of occurrence. It is further submitted that
though the complainant had seen that her son was being
kidnapped, yet the family kept quiet for three months and it was
only on 22.08.2015, finally case came to be lodged. He further

submits that there is history of litigation between the parties and no plausible explanation has been offered for the delay in filing the complaint case.

Diary in this case was called for earlier which has since been received.

Learned counsel for the State after perusal of the case diary submits that admittedly the occurrence was of 20.05.2013, but the case has been lodged after a lapse of three months i.e., on 22.08.2015.

In view of the nature of allegations, there is history of litigation between the parties and there being no further cogent material in the case diary, let the petitioners above named, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Sikrahana, East Champaran at Dhaka in connection with Madhuban P.S. Case No. 5 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Anjana Mishra, J)

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