

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.35625 of 2016

Arising Out of PS.Case No. -487 Year- 2014 Thana -SIWAN MUFFASIL District- SIWAN

=====

Hare Ram Yadav Son of Tun Tun Chaudhary Resident of Village- Sarsa,
Police Station- Siwan Mufassil (Dhanauti O.P) District Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Javed Aslam, Advocate

For the Opposite Party/s : Mr. Rajballabh Singh, A.P.P.

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 06-12-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
17.05.2016 in connection with Siwan Muffasil (Dhanauti O.P.)
P.S. Case No. 487 of 2014 pending in the Court of learned Chief
Judicial Magistrate, Siwan registered for the offence punishable
under Section 366 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that there was a land dispute between the parties and the learned
Court below had ordered to remove the encroachment from the
land of the informant due to which accused persons kidnapped the
daughter of the informant. It is further alleged by the informant
that the petitioner had demanded second hand Bolero, otherwise



his daughter would be killed.

It has been submitted by the learned counsel for the petitioner that victim girl had been married to one Durgesh Kumar @ Santosh Kumar, son of Ramashish Yadav of village – English Tola, P.S. Mairwa, District Siwan and she was living peacefully, hence, no case under Section 366 of the Indian Penal Code is made out against him.

By order dated 26.10.2016, a direction was issued to the Superintendent of Police, Siwan to verify and file a counter affidavit as to whether the victim is married to the said Durgesh Kumar @ Santosh Kumar, son of Ramashish Yadav of village – English Tola, P.S. Mairwa, District Siwan. In pursuance to the aforesaid direction, a counter affidavit has been filed on behalf of the Superintendent of Police, Siwan stating therein that the police personnel visited the house of Durgesh Kumar @ Santosh Kumar and found that he was married to one Anita Yadav and the photograph of the victim girl did not match with the wife of Durgesh Kumar @ Santosh Kumar and she belongs to different village with different parentage.

Learned A.P.P. for the State submits that the victim girl is still traceless, hence, opposes the prayer for bail in view of the enquiry report dated 15.11.2016, which is Annexure-R/1 to the



counter affidavit.

Since the victim girl has not yet been traced and the motive behind the dispute between the petitioner and the complainant-informant is explicit, I am not inclined to grant the privilege of bail to the petitioner. This application is, accordingly, rejected at this stage.

(Nilu Agrawal, J.)

Arjun/-

U		T	
---	--	---	--

