

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39021 of 2016

Arising Out of PS.Case No. -194 Year- 2015 Thana -JANDAHA District- VAISHALI(HAJIPUR)

=====

Abhishek Anand @ Abhishek Kumar son of Sri Avinash Rai @ Avinash Prasad resident of village and PO Jandaha PS Jandaha Dist. Vaishali at Hajipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha

For the Opposite Party/s Mr. Ram Priya Saran Singh

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

04/ 28.11.2016 Counter affidavit is filed on behalf of the informant. Let it be kept on record.

Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State assisted by learned counsel for the informant.

Petitioner seeks bail in a case registered under section 364/34 of the Indian Penal Code.

Informant claims in his written report that the victim was kidnapped from the premises of Ramjanki temple but when his further statement was recorded, he stated that victim was kidnapped from his house.

Moreover, victim was recovered at Hajipur railway station and her statement under section 161 Cr.P.C as well as under section 164 Cr.P.C was recorded. The victim does not disclose the name of the petitioner in her statement recorded under section 164 Cr.P.C. The

statement of victim under section 164 Cr.P.C was recorded on 28.9.2015 but curious enough that again, one ASI, Jyoti Kumari recorded the statement of the victim and in that statement, aforesaid ASI Jyoti Kumari, specifically mentioned that she was recording the statement of the victim at the direction of the higher officer. The aforesaid statement was recorded on 5.10.2015 i.e. after recording the statement under section 164 Cr.P.C. The aforesaid circumstances create doubt the statement recorded by ASI namely, Jyoti Kumari.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate XI, Vaishali at Hajipur in Jandaha P.S. Case no. 194/2015.

shahid

(Hemant Kumar Srivastava,J)

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