

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18036 of 2016

Arising Out of PS.Case No. -248 Year- 2015 Thana -DAGARUA District- PURNIA

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Ghanshyam Sah Son of Late Tinkauri Sah, R/o Village - Harichandarpur
(Jalalgarh), P.S. - Jalalgarh, District - Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan, Advocate

For the Opposite Party/s : Mr. Sucheta Yadav(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-05-2016 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with

Dagaruwa P.S. Case No. 248 of 2015 registered for offences

punishable under Sections 341, 342, 363, 451/34 of the Indian

Penal Code and Section 27 of the Arms Act.

The prosecution case, in brief, is that 3-4 accused

person entered into the house of the informant and tried to kidnap

her daughter, Rakhi Kumari. On hulla raised by the informant and

her son, when nearby people came there, accused persons making

firing fled away, but one of them, namely, Shashi Yadav was

apprehended, who disclosed the name of the petitioner and others

as his accomplice.



It has been submitted by the learned counsel for the petitioner that petitioner is innocent and has falsely been implicated in the aforesaid case. Subsequently, another case, bearing Dagaruwa P.S. Case No. 24 of 2016 has also been lodged by the informant against the petitioner for kidnapping her daughter, Rakhi Kumari. It has been submitted that in her statement under Section 164 of the Cr.P.C. before the learned Magistrate, victim girl, Rakhi Kumari has stated that she is married wife of the petitioner and is living in her matrimonial house and wants to go to her matrimonial house, hence the allegations as levelled by the informant is false. He further submits that the petitioner has clean antecedent, as the another case, bearing Dagaruwa P.S. Case No. 24 of 2016 has been lodged by the informant herself for kidnapping the victim girl, Rakhi Kumar.

However, learned A.P.P. for the State submits that although the petitioner is not named in the First Information Report, but the apprehended accused, Shashi Yadav disclosed the name of the petitioner as his accomplice, hence, opposes the prayer for bail.

Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks

from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Dagaruwa P.S. Case No. 248 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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