

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36578 of 2016

Arising Out of PS.Case No. -281 Year- 2014 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

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1. Kundan Singh @ Kundan Kumar S/o Shri Anand Mohan Singh @ Anand Mohan Sinha resident of Village- Jogni, P.S.- Sakra, Distt- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Verma

For the Opposite Party/s Mr. Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

04/ 27.10.2016 Heard learned counsel for the petitioner as well as learned Addl. Public Prosecutor for the State.

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

FIR was lodged against unknown person for kidnapping of Atish Kumar and in course of investigation at para 45 of the case diary, one witness, namely Md Kalim @ Raju claimed that Amit Singh, petitioner and some others had kidnapped the victim but para 54 of the case diary goes to show that victim met the Investigating officer at Hajipur junction and after that one co- accused Amit Kumar Jha was caught by I.O and victim identified him as one of the kidnappers and the victim disclosed that he was kidnapped by Amit Kumar Singh. The victim has, nowhere, stated the name of the petitioner and it is surprising enough that the statement of victim was neither recorded under section 161 Cr.P.C nor under section 164 Cr.P.C.

Moreover, except present case as well as one Sakra P.S. case no. 347/2009, petitioner does not have any criminal antecedent and is languishing in jail custody since 23.6.2016.

Accordingly, petitioner is directed to 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 Chief Judicial Magistrate, Vaishali at Hajipur in Hajipur Sadar P.S. Case no. 281/2014.

(Hemant Kumar Srivastava,J)



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