

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53666 of 2015

Arising Out of PS.Case No. -138 Year- 2014 Thana -MOHIUDDIN NAGAR District-
SAMASTIPUR

- =====
1. Lata @ Sanjita Devi @ Lata Devi @ Sangita Devi Wife of Tuna Sah
 2. Tuna Sah Son of Late Ramjee Sah Both residents of village - Vishahar
Asthan, P.S. Mohiuddinnagar, District - Samastipur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party : Mr. Md.Ansarul Haque, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 22-02-2016 Heard learned counsel for the petitioners, learned counsel
for the Informant and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Mohiuddinnagar P.S. Case No. 138 of 2014 pending in the Court of Judicial Magistrate, Ist Class, Samastipur for the offences instituted under Sections 365 and 506/34 of the Indian Penal Code.

The prosecution case in short is that the petitioners kidnapped the son of the informant and have kept him in wrongful confinement and also alleged that the petitioners are labour suppliers at Delhi and lived at Gajiabad since more than 20 years ago with farmers.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. Petitioners have been made accused due to mistake of fact. From perusal of para no. 31 of the case diary, it appears that the independent witness has not supported the prosecution case.

On behalf of the State and the Informant, it has been submitted that the petitioners are named in the FIR and the victim boy is still traceless.

Considering the aforesaid facts and circumstances of the case, I am not inclined to release the above named petitioners on anticipatory bail, the same is rejected.

Anyhow, if the petitioners surrender in the court below within a period of four weeks, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J)

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