

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.10012 of 2017

Arising Out of PS.Case No. -201 Year- 2016 Thana -LAKSHMIPUR District- JAMUI

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1. Shyam Sah S/o Late Pappu Sah, Resident of Village- Gaura, P.S. Lakshmipur, District- Jamui. Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh

For the Opposite Party/s : Mr. Sri Prem Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

4 04-04-2017 Heard both sides.

The petitioner seeks bail in Lakshmipur P.S. case No. 201 of 2016 under Section 364A of the Indian Penal Code, under Section 34 of Explosive Substance Act and under Section 27 of the Arms Act.

The informant alleged that while he was on the roof of his house in the evening he heard sound of explosion and when he looked down he saw 5-6 persons assaulting his son, Niranjana Sah. The accused persons were armed with different weapons. The informant identified Chandan Sah, Shyam Sah, the petitioner, and Pintu Sah. Chandan Sah was leading the mob. The accused persons kidnapped his son.

The learned counsel for the petitioner submits that, of course, the informant and other witnesses have disclosed the name of the petitioner but the victim returned and his statement was not



recorded under Section 164 of the Cr. P. C. The victim filed a petition that he was not kidnapped by any one. Similarly situated accused, Pintu Sah, has already been enlarged on bail vide order dated 27.02.2017 passed in Cr. Misc. No. 8974 of 2017 by a co-ordinate bench of this court and case of the petitioner stands on the same footing.

It appears that name of the petitioner figured in the FIR along with Pintu Sah and Chandan Sah and the witnesses also disclosed the name of the petitioner but the victim returned and he is said to have filed a petition in the court that he was not kidnapped by any one. The statement of victim under Section 164 of the Cr. P. C. was also not recorded.

Considering the facts aforesaid and the fact that similarly situated accused Pintu Sah has already been enlarged on bail, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Jamui in Lakshmipur P.S. Case No. 201 of 2016.

(Prabhat Kumar Jha, J)

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