

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25831 of 2017

Arising Out of PS.Case No. -39 Year- 2016 Thana -DARBHANGA RAIL P.S. District-
SAMASTIPUR

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1. Jitendra Ram S/o Late Sukhi Ram @ Saukhi Ram R/o Village-
Subhankarpur, P.S. Kaluahi, Distt-Madhubani

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Ashok Kumar Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-07-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in custody since 08.06.2016 in
connection with GRP (DBG) P.S. Case No. 39/16 for offences
punishable under Sections 363, 365 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that while she was travelling on train from Darbhanga to Katihar,
her four year old grandson, who had slept beside her, disappeared.
She alleged that her grandson had been kidnapped.

It has been submitted by the learned counsel for the
petitioner that he is innocent, not named in the First Information
Report and does not have any criminal history. He submits that



during course of investigation it came that his friend Raman Kumar Yadav had kidnapped the victim boy and kept him in the house of the petitioner, as such, no ingredient of Section 363 or 365 IPC is made out against him, as it is a case of mistake of facts. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, 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 learned Railway Judicial Magistrate, Samastipur, in connection with GRP (DBG) P.S. Case No. 39/16.

(Nilu Agrawal, J)

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