

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.49167 of 2017

Arising Out of PS.Case No. -9 Year- 2006 Thana -DHIBRA District- AURANGABAD

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Basant Singh, Son of Shree Baijnath Singh, Resident of Village- Pachmo,
Police Station- Dhibra, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner : Ms. Nivedita Nirvikar, Advocate.

For the Opposite Party : Mr. Manish Kumar 2, APP.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 24-11-2017

Heard the counsels for the parties.

The petitioner seeks bail in connection with Dhibra
P.S. Case No. 9 of 2006 dated 24.11.2006 for offences under
Sections 323, 341, 379, 363, 365, 368 and 34 of the Indian Penal
Code.

The brother of the informant is said to have been
kidnapped. Later on, it transpired that the petitioner along with
two others had taken away the victim on a motorbike.

Ms. Nivedita Nirvikar, learned counsel for the
petitioner submits that though the occurrence took place on
16.11.2006, but the report was made after about eight days i.e. on
24.11.2006. It is also submitted that the victim has now come
back.

The petitioner is in custody since 24.06.2017.

Learned counsel for the petitioner further submits



that only because the petitioner had protested against the illegal activities of the informant and his brother, the present case has been lodged. She further submits that if there had been any intention to kidnap the victim for any other purpose, he would not have been released without payment of ransom or without him being hurt. This Court does not know whether the recovery of the victim was at the instance of the police or he came back of his own.

Taking into account the period of custody of the petitioner and the fact that the victim has returned, this Court is inclined to grant bail to the petitioner.

The petitioner above named is directed to be released on bail on furnishing bail bond of a sum of Rs. 10,000/- (Ten Thousand) with one surety of the like amount to the satisfaction of the learned Additional Chief Judicial Magistrate VI, Aurangabad (Bihar) in connection with Dhibra P.S. Case No. 9 of 2006.

The petitioner shall participate in the investigation and any attempt to either tamper with the evidence or to impede the process and pace of the investigation shall entitle the State to proceed ahead for cancellation of his bail.

(Ashutosh Kumar, J)

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