

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48367 of 2017

Arising Out of PS.Case No. -108 Year- 2017 Thana -PIPRA District- SUPAUL

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Siken Yadav, Son of Late Harihar Yadav, Resident of Village- Devipatti,
P.S.- Pipra, District- Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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with

Criminal Miscellaneous No.52777 of 2017

Arising Out of PS.Case No. -108 Year- 2017 Thana -PIPRA District- SUPAUL

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Amresh Kumar Son of Chandradeep Rai, R/o Village+ P.O. Jankinagar,
P.S.- Jankinagar, District- Purnea.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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with

Criminal Miscellaneous No.53822 of 2017

Arising Out of PS.Case No. -108 Year- 2017 Thana -PIPRA District- SUPAUL

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Naresh Yadav, S/o Jahar Yadav, Resident of Village- Debipatti, P.S.- Pipra,
District- Supaul.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

(In Cr.Misc. No.48367 of 2017)

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

(In Cr.Misc. No.52777 of 2017)

For the Petitioner/s : Mr. Madhu Prasun

For the Opposite Party/s : Mr. Sri Yogendra Kumar

(In Cr.Misc. No.53822 of 2017)

For the Petitioner/s : Mr. Pramod Mishra

For the Opposite Party/s : Mr. Sri Ramchandra Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 19-12-2017 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

Petitioners seek bail in connection with Pipra P.S. Case No. 108 of 2017 for offences punishable under Sections 363, 365 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that his son Keshav Kumar Jha @ Nimka went out from the house and did not return. It is alleged that some unknown persons have kidnapped his son.

It has been submitted by the learned counsel for the petitioners that they are innocent, not named in the F.I.R. and have been falsely implicated in the aforesaid case only because informant's son was seen along with petitioners Siken Yadav and Naresh Yadav on the betel shop. The petitioners have been implicated on suspicion and nothing has been recovered from the possession of the petitioners. So far as the petitioner Amresh Kumar is concerned, he has been implicated due to mistake of fact. He submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned counsel for the informant as well as



learned APP for the State vehemently oppose the prayer for bail stating therein that the victim boy has not yet been recovered and the petitioners Siken Yadav and Naresh Yadav were seen in the company of informant's son who used to take him for consuming Ganja.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged on bail on furnishing bail bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Supaul in connection with Pipra P.S. Case No. 108 of 2017, subject to the conditions that:

- (1) Both bailors would be close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.
- (2) Petitioners will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of their bail bonds.

(Nilu Agrawal, J)

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