

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.1854 of 2017

Arising Out of PS.Case No. -184 Year- 2016 Thana -BHAGWANPUR District- BEGUSARAI

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1. Arjun Sah, Son of Late Ayodhi Sah,
2. Rajesh Sah, Son of Arjun Sah,
Both are resident of Village- Lakhanpur, P.S.- Bhagwanpur (Teyari O.P.),
District- Begusarai. Petitioners

Versus

1. The State of Bihar. ... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Amit Kumar

For the Opposite Party/s : Mr. Smt. Meena Singh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 20-01-2017 Heard learned counsel for the petitioners and learned
counsel representing the State.

The petitioners seek bail in connection with Bhagwanpur P.S.
Case No. 184 of 2016 registered for the offences punishable under
Sections 363 and 364 of the Indian Penal Code.

Allegedly, Manish Kumar aged 10 years the son of the
informant was kidnapped by Anil Sah with aid and assistance of the
petitioners. During investigation the victim boy was recovered and his
statement has been recorded under Section 164 Cr.P.C. wherein he has
stated that when he was coming from his school then in the way the
petitioners boarded him on the motorcycle and took away to Motipur.

Submission is of false implication and that on the date when
the boy was recovered his statement has not been recorded either under
Section 161 Cr.P.C. or 164 Cr.P.C. and after two days the statement
has been recorded, so no reliance can be placed upon that tutored



statement and further as per statement of the victim, no offence under Section 364 IPC is made out rather offence under Section 363 IPC is made out which is bailable and the petitioners are suffering in custody since 21.08.2016 and as such they deserve sympathetic consideration.

Learned APP submits that the petitioners have been named by the victim boy.

In the facts and circumstances stated above, considering the period of detention, the petitioners above named are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in connection with Bhagwanpur P.S. Case No. 184 of 2016, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioners shall remain present on each and every date during trial and the default on two consecutive dates on their part without any reason shall disentitle the petitioners from privilege of bail.

(Jitendra Mohan Sharma, J)

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