

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.6291 of 2017

Arising Out of PS.Case No. -198 Year- 2016 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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Bhulan Chaudhary son of Dhuran Chaudhary, Resident of Village/Mohalla-
Ajpgari Naya Tola, P.S.-Turkauliya Banjariya, District-East Champaran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Advocate

For the Opposite Party/s : Mr. Sri Abhay Kumar – 1, A.P.P.

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

ORAL ORDER

4 24-04-2017 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Turkauliya
(Banjaria) P.S. Case No. 198 of 2016 registered for the offences
punishable under Sections 364A and 120B/34 of the Indian Penal
Code.

The petitioner is named in the First Information Report
as kidnapper of Aditya Kumar @ Khushal. During investigation,
the victim was recovered from the house of Dular Sahni and Dular
Sahni confessed his guilt. The statement of the victim Aditya
Kumar was recorded vide para 42 of the case diary by the police
and further under Section 164 of the Code of Criminal Procedure
vide para 61 of the case diary.

Submission is of false implication and that in the



statement recorded under Section 164 of the Code of Criminal Procedure the victim has not named the petitioner. The Police have given the name of the petitioner with a statement of the victim which has got no evidentiary value in the eye of law. There is enmity between the informant and the petitioner vide para 86 and 87 of the case diary. The witnesses who have named the petitioner are on inimical term and, as such, the petitioner deserves sympathetic consideration as he is suffering in custody since 31.05.2016. Other co-accused Dular Chaudhary and Hariom Chaudhary have already been granted bail by different coordinate Bench of this Court and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances as stated above, considering the detention of the petitioner, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned 7th Additional Chief Judicial Magistrate, Motihari in connection with Turkauliya (Banjaria) P.S. Case No. 198 of 2016, subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court



concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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