

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3129 of 2017

Arising Out of PS.Case No. -74 Year- 2016 Thana -JANDAHA District- VAISHALI (HAJIPUR)

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1. Sajda Khatoon, Wife of Md. Afzal.
2. Md. Firoz.
3. Md. Afroz.
Both sons of Md. Israfil,
All residents of Village Chandsarai, P.S. Jandaha, District- Vaishali at
Hajipur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lovekush Kumar, Advocate.

For the Opposite Party/s : Smt. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 02-02-2017 Heard learned counsel for the petitioners and the

State.

The petitioners seek anticipatory bail in a case
instituted for the offence under Sections 363 and 365/34 of the
Indian Penal Code.

It has been submitted on behalf of the petitioners that
the written report has been filed after delay of two months of the
occurrence. After seven months of the occurrence, the statement
of victim has been recorded under Section 164 Cr. P.C. wherein
he has not alleged any specific overt act against the petitioner. The
specific allegation has been levelled against co-accused Sonu.



From the written report itself, this Court finds that the allegation against the petitioner is of kidnapping the son of the informant, but in the statement of victim boy there is general allegation against him that they told the victim boy to go with Sonu. Besides this, there is no any overt act alleged against him. Moreover, the case has been instituted after delay of about two months.

Considering the facts and circumstances of the case, let the petitioners above named in the event of surrender within six weeks from the date of receipt of this order, in connection with Jandaha P.S. Case No. 74 of 2016, shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Vaishali at Hajipur, subject to the conditions as laid down under Section 438 (2) Cr. P.C.

S.Ali/-

(Sanjay Priya, J)

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