

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23865 of 2017

Arising Out of PS.Case No. -20 Year- 2017 Thana -CHANPATIA District-
WESTCHAMPARAN(BETTIAH)

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1. Abhay Kumar S/o Mahendra Mahto Resident of Village-Chargahan, P.S.-
Sirisiya O.P., District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Informant : Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Sri Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 07-09-2017 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Chanpatia (Sirisia) P.S. Case No. 20/2017 registered under Sections
363, 364 and 328 of the Indian Penal Code.

The accusation is that on 10.01.2017 when the son of
the informant Raja Kumar was going to his computer shop, in the
way, three persons, namely, Uttam Kumar Chaubey, Parasmani
Chaubey and Abhay Kumar (the petitioner) met him. They forcibly
caught hold Raja Kumar, the son of the informant and boarded on the
motorcycle. They put the intoxicated material in his nose and
covering the eyes took away towards Sanichari. The informant
received information about the kidnapping of his son by a villager.



Thereafter, he started search of his son.

Learned counsel for the petitioner submits that it appears from the F.I.R. that the petitioner and two other F.I.R. named accused persons are co-villagers of the informant. On the basis of written report of the informant, present case has been lodged on the same day, i.e. 10.01.2017 at 04.10 P.M., whereas it would appear from the case diary that on hearing the rumour of kidnapping of a boy at about 9.15 AM, the I.O. of the case proceeded to the shop of the victim at 11.30 AM where the son of the informant was found sitting and his mobile, computer and all belongings were also present there, which is sufficient to show the falsity of the case.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Chanpatia (Sirisia) P.S. Case No. 20/2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J.)

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