

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22845 of 2017

Arising Out of PS. Case No.-12 Year-2017 Thana- KASMA District- Aurangabad

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Upendra Mahto, Son of Late Baahamdeo Mahto, , Resident of Village- Apki,
P.S.- Kasma, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar, ,

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Sr. Adv.
Mr. Lakshmi Kant Sharma
Mr. Prem Shankar Kumar

For the Opposite Party/s : Mr. DR. KUMAR UDAY PRATAP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 20-07-2017

Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail,
arises out of Kasma Police Station Case No. 12 of 2017,
disclosing offences under Sections 363/365/34 of the Indian
Penal Code.

The petitioner is the full brother of the husband of
the informant. The First Information Report suggests that the
informant's husband is missing since 15.01.2017. She has
raised suspicion in the First Information Report that the
petitioner and other persons are instrumental in the
kidnapping of her husband because there is some kind of
dispute between the other brothers.

Learned Senior Counsel appearing on behalf of the



petitioner has submitted that nothing has come even in course of investigation to suggest petitioner's involvement.

Learned Additional Public Prosecutor, while referring to the case diary, could not draw my attention to any material to connect this petitioner directly with the offence alleged.

Considering the submission, as above, this application is allowed.

Let the petitioner, Upendra Mahto, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IV, Aurangabad, in connection with Kasma Police Station Case No. 12 of 2017, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the police/Court, as the case may be, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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