

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.25103 of 2017

Arising Out of PS.Case No. -14 Year- 2017 Thana -RAGHOPUR District- SUPAUL

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1. Santosh Kumar, Son of Deo Chandra Yadav
2. Pawan Kumar, Son of Shri Satya Narayan Yadav Both Resident of
Village-Thalha, P.O.-Hulash, P.S.-Raghopur, District-Supaul.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrit Abhijat

For the Opposite Party/s : Mr. Sri Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 21-07-2017

Heard both sides.

The petitioners apprehend their arrest in Raghopur
P.S. case No. 14 of 2017 under Section 366A/34 of the Indian
Penal Code.

The mother of the victim made allegation that
Jagdish Yadav, Sarjit Yadav, Shankar Yadav and 2-3 unknown
persons came to her house on 20.01.2017 and kidnapped her
daughter.

The learned counsel for the petitioners submits that
petitioners are not named in the FIR. The names of petitioners
figured in the case in the statement of victim recorded under
Section 164 of the Cr. P. C. The mother of the victim was well
acquainted with the petitioners but she did not name the
petitioners in the FIR. The occurrence it said to have taken place
on 20.01.2017 but the FIR was lodged on 26.01.2017. Jagdish



Yadav, who is named in the FIR as well as in the statement of victim under section 164 of the Cr. P. C., has already been enlarged on anticipatory bail vide order passed in Cr. Misc. No. 25450 of 2017 by a bench of this court. The case of petitioners stands on better footing as the petitioners are not named in the FIR.

Considering the facts that petitioners are not named in the FIR and Jagdish Yadav, who is named in the FIR as well as in the statement of victim recorded under Section 164 of the Cr. P. C., has already been granted anticipatory bail, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged 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, Birpur, Supaul in connection with Raghapur P.S. case No. 14 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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