

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29832 of 2017

Arising Out of PS.Case No. -75 Year- 2016 Thana -RIGA District- SITAMARHI

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Kailash Baitha, Son of Suryadev Baitha, resident of Village- Chainpura,
P.S.- Riga, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
06.04.2017 in connection with Riga P.S. Case No. 75 of 2016
registered for the offence punishable under Sections 363,
366(A)/34 of the Indian Penal Code.

The prosecution case is that while the sister of the
informant, Nibha Kumari was alone at home, she has become
traceless. It is alleged that the petitioner along with his wife,
Champa Devi and nephew Vikky Kumar has kidnapped his sister.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and has



been falsely implicated in the aforesaid case. He submits that Vikky Kumar was having a love affair with the sister of the informant who had eloped with said Vikky Kumar out of her own sweet will. He submits that the allegation is general and omnibus upon him and his wife and that his wife has been granted the privilege of bail by the learned Court below itself. He submits that charge-sheet has already been submitted and there is no allegation that petitioner has tampered with the prosecution witnesses.

However, learned A.P.P. for the State opposes the prayer for bail stating therein that the victim girl, Nibha Kumari has not yet been traced and Vikky Kumar is an absconder.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Riga P.S. Case No. 75 of 2016, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable properties within the jurisdiction of the concerned P.S./ Court, who would file an affidavit stating his relationship with the petitioner and that petitioner will appear



before the learned Court below on all dates and failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/-

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