

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 28909 of 2017

Arising Out of PS.Case No. -215 Year- 2014 Thana -BRAHMPURA District- MUZAFFARPUR

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Kabir Ahmad @ Bare @ Bade Son of Late Abdul Latif, Resident of Village-Damodar Pur, P.S.- Kanti , District- Muzaffarpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate
For the State : Mr. Md. Arif, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 10-08-2017

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in Brahmpura P.S.
Case No. 215 of 2014 dated 27.09.2014 instituted under Sections
365/34 of the Indian Penal Code.

3. The allegation against the petitioner and four others
is of kidnapping the minor son of the informant.

4. Learned counsel for the petitioner submitted that
the informant is the brother of one accused and maternal uncle of
two other accused and the petitioner and another accused are next
door neighbours of the informant. It was submitted that the sister of
the informant used to come to the informant and ask for her share in
the ancestral property and she was ill treated and abused and the



petitioner and another accused used to offer her shelter and food and for that reason they have been implicated. It was submitted that the boy has returned after two years and three months and given statement before the Court in which, though he has stated about him being abducted, but the story is unbelievable for if the petitioner and other accused wanted to kill him, they would not have let him live for over two years and also feed him and leave him to go and depose in the case against them. Learned counsel submitted that during investigation, people have supported the fact that the sister of the informant, who is also an accused, used to ask for her share which was not liked by the informant and his family members and thus, to put pressure on the accused not to ask for share, this false case has been instituted and further the *Mukhiya* and other elected representatives and co-villagers of the informant's village have stated during investigation that the accused are innocent and the informant himself has hidden his son. Learned counsel submitted that the petitioner has no criminal antecedent.

5. Learned A.P.P., upon going through the case diary, was not in a position to controvert the submissions of learned counsel for the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event



of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in Brahmpura P.S. Case No. 215 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Ahsanuddin Amanullah, J.)

P. Kumar

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