

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32323 of 2018

Arising Out of PS.Case No. -159 Year- 2018 Thana -KADAMKUAN District- PATNA

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1. Ishwar Prasad Sah @ Ishwar Prasad Saw, S/o Late Ganga Saw, R/o Vill.-
Budhauli Bazar, P.S.- Sheikhpura, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN
PRASAD
ORAL ORDER

2 12-06-2018 Heard learned counsel for the petitioner and learned APP
representing the State as well as learned counsel representing the
informant.

The petitioner, in the present case, is seeking regular bail in
connection with Kadamkuan P.S. Case No. 159 of 2018, registered
for offences alleged under Sections 363 and 366 of the Indian
Penal Code.

Learned counsel for the petitioner submits that while the
First Information Report was lodged by the father of the victim
girl it was alleged that he had a suspicion that his daughter had
been kidnapped by the named accused persons and has been
killed, however, the victim girl has been recovered and she has
made statement under Section 164 Cr.P.C., as contained in



Annexure-2. Referring to Annexure 2, learned counsel submits that according to the victim girl, she had left the hostel after she had some differences with her sister. The victim girl alleged that when she came out of the hostel, the Mama (brother of Rahul's mother) met her but on the pretext of leaving her at her house took her to Gaya. The thrust of the allegations made in the statement under Section 164 Cr.P.C. is against the Mama of Rahul and to some extent against Rahul. So far as the present petitioner is concerned, learned counsel submits that the victim girl has not made any statement against him. It is further submitted that there are three Rahul named persons whose complicity has been alleged in the present case one of them has been granted regular bail by a co-ordinate Bench of this Court vide order dated 18.5.2018 passed in Cr. Misc. No. 29418 of 2018.

Learned counsel representing the informant and the State have jointly opposed the prayer for bail of the petitioner and submitted that petitioner was the mastermind of the alleged kidnapping.

Considering the rival submissions and upon going through the records i.e. F.I.R and the statements made under Section 164 Cr.P.C, I find that the thrust of the allegations is against the other co-accused and not against this petitioner, therefore, for the



purpose of grant of regular bail, I am inclined to accept the submissions of the learned counsel for the petitioner. Let the petitioner, above named, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M-VII, Patna in connection with Kadamkuan P.S. Case No. 159 of 2018, subject to the conditions U/S 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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