

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.64104 of 2018

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Nageshwar Prasad, Son of Late Brahmdeo Prasad, Resident of Village / Mohalla-Dargahi Tola, P.S.-Hathidah, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. Santosh Mahto, Son of Sidheshwar Mahto
3. Birbal Mahto, Son of Balmiki Mahto
4. Dhiru Yadav, Son of Chandrika Yadav

Opposite party Nos. 2 to 4 are resident of Village-Hathidah, Ward No. 6, P.S.-Hathidah, District-Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 20-11-2018 The opposite party Nos. 2, 3 and 4 were granted bail by the Court below in connection with Hathidah P.S. Case No. 54 of 2015 instituted for the offences under Sections 341, 323, 504, 506, 307 and 379/34 of the I.P.C. Later, the petitioner (informant) filed another case against opposite party Nos. 2, 3 and 4 *vide* Hathidah P.S. Case No. 85 of 2017 for the kidnapping of



his daughter, viz. Radha Kumari. Later, aforesaid Radha Kumari was recovered.

On the aforesaid ground, an application was made before the Court below for cancellation of bail of opposite party Nos. 2, 3 and 4. The same was rejected by order dated 01.05.2018 by the learned Addl. District and Sessions Judge-II, Barh.

From the perusal of the order impugned, it appears that the Court below disputed the assertions of the petitioner (informant) that the opposite party Nos. 2, 3 and 4 have been threatening him of dire consequences. In fact, the Court below found out that in the earlier case lodged by the petitioner against the opposite party Nos. 2, 3 and 4, all the witnesses were examined, but for a few independent witnesses. There was no way in which the accused persons could have made any efforts of tampering with the evidence. The Court below was also of the view that the case which was lodged by the petitioner with respect to kidnapping of his daughter could be faulted with on many scores. It was observed by the Court below that the victim girl was recovered and the statement which she made under Section 164 Cr.P.C. was only after she had remained with her father (petitioner) for sometime. There has been no arrest in the aforesaid case of kidnapping.



The Court below also took into account the fact that the parties have been on litigating terms in the past with respect to their claim and counter claim over a passage of land.

Considering the aforesaid aspects in a holistic manner, the prayer of the petitioner for cancellation of bail of opposite party Nos. 2, 3 and 4 was rejected.

This Court does not find any reason to interfere with the aforesaid order.

The petition is without merits and is, therefore, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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