

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32020 of 2018

Arising Out of PS. Case No.-660 Year-2003 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. Sakhichand Choudhary, Son of Pairu Choudhary,
 2. Chameli Devi, Wife of Sakhichand Choudhary, Both resident of Village- Mirjaganj, P.S.- Sikandara, District- Jamui.

... .. Petitioners

Versus

1. The State of Bihar.
2. Taniklal, Son of Sri Lakhan Lal, Resident of Village- Kadirganj, Tola Rani Hatti, P.S. and District- Nawada.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh
For the Opposite Party/s : Mr. Shailendra Kumar -2

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 14-06-2018 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Petition No. 660 of 2003, registered under Section 365 of the Indian Penal Code.

The accusation is that on 22.05.2002 accused No.1 Mahtabi Devi, wife of Ramswarup @ Pawa Choudhary sent her son to accused No.2 Arbind Kumar Choudhary at the house of complainant Taniklal. Accused No.2 secretly talked to Ranjeet Kumar, minor son of the complainant and accompanied to Ranjeet Kumar with him, but Ranjeet Kumar did not return. Later on, complainant Tanik Lal made query then accused No.1



Mahtabi Devi disclosed that Ranjeet Kumar had gone with her son Arbind Kumar Choudhary at Mirjaganj. Thereafter, on 24.05.2002, complainant went at Mirjaganj at the house of petitioners, but the house was found locked, but on inquiry, complainant came to know that on 22.05.2002, petitioners along with brother-in-law of petitioner No.2 (accused No.1 Arbind Kumar Choudhary) and a minor boy moved two day before from house. On 27.05.2002, the complainant again went at Mirjaganj, where accused No.2 Abrind Kumar Choudary and petitioner No.2 Chameli Devi met then on query about his minor son Ranjeet, but they showed their ignorance and demanded Rs. 30,000/- as ransom.

Learned counsel for the petitioners submits that initially the complainant/O.P. No.2 filed complaint Case No. 375 of 2002 in the Court of Chief Judicial Magistrate, Nawada on which basis Nawada P.S. Case No. 122 of 2002 was instituted on 10.07.2002 under Sections 364(a) of the I.P.C. against petitioners and two others. On investigation, Police submitted the Final Form finding the case untrue, but the protest petition filed by complainant/O.P. No.2 treated as Complaint Case No. 375 of 2002 in which after inquiry, cognizance of the offence under Section 365 of I.P.C. has taken



on 14.02.2004 against the petitioner and two others. Further submission is that it appears from the original compliant petition, which was the basis of the F.I.R. and the protest petition that mere suspicion has been raised about having hand of the petitioners in kidnapping of minor son of the complainant/O.P. No.2 in the year 2002.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Nawada in connection with Complaint Case No. 660 of 2003, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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