

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25636 of 2018

Arising Out of PS.Case No. -257 Year- 2017 Thana -AJAMNAGAR District- KATIHAR

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1. Sudhir Prasad Singh @ Sudhir Pd. Singh @ Sudhir Singh, Son of Lakhi Singh, Resident of Village- Khangama, P.S.- Azamnagar, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Nurul Hoda, Adv

For the Opposite Party/s : Mr. Smt. Anita Kumari, A.P.P

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 11-06-2018 Heard learned counsel for the petitioner and learned APP for the State.

The petitioner, in the present case, is seeking regular bail in connection with Azamnagar P.S. Case No.257 of 2017, registered for offences alleged under Sections 323, 364, 347, 348 and 506 of the Indian Penal Code.

Learned counsel for the petitioner submits that there is no specific allegation of kidnapping of the victim boy Aadit Kumar Sah against this petitioner. In the complaint itself which forms the basis of the F.I.R, the informant has only raised suspicion that this petitioner wanted to grab the ancestral property of the said victim boy who was a mentally retarded person. It is submitted that admittedly the victim boy was mentally retarded



and this fact has been certified even by Sarpanch and Mukhia of the Gram Panchayat vide Annexure-3 series of the this application. Learned counsel submits that in 2014 itself the parents of the victim boy had died and thereafter he was living alone and whenever he returned home from outside he was being provided food by the co-villagers. It is pointed out that some independent witnesses have been examined in course of investigation who have stated that the victim boy was mentally retarded and was virtually not living in the village for about 10 years.

On the other hand, learned A.P.P for the State opposed the prayer for bail and submits that this petitioner is said have kidnapped the nephew of the informant who has not been recovered till date.

Considering the facts and circumstances, particularly that a land dispute is alleged against this petitioner and the kidnapped boy happens to be the nephew of the informant, no direct allegation has been made of kidnapping against the petitioner, no witness has seen the victim boy being taken away by the petitioner and the petitioner is in custody since 21.01.2018, I am inclined to grant regular bail to the petitioner. Let the petitioner, above named, be released 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 VI, Katihar, in connection with Azamnagar P.S. Case No.257 of 2017, subject to the conditions U/S 437(3) Cr.P.C.

(Rajeev Ranjan Prasad, J)

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