

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41486 of 2018

Arising Out of PS. Case No.-389 Year-2015 Thana- HAJIPUR SADAR District- Vaishali

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Pritesh Kumar Prabhakar @ Pritesh Prabhakar Son of Prem Kumar Prabhakar, Resident of Village- Badanpur, P.S. Mahua, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Md. Shahnawaj, son of Md. Jamaluddin Khan, Resident of Village- Patilli, P.S. Sadar, District Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Rajesh Kumar, Adv.
For the State	:	Mr. Pranav Kumar, APP
For opposite party No.2	:	Mr. Shyamkant Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 11-10-2018 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the opposite party No.2.

The petitioner is apprehending his arrest in a case registered under Sections 366(a), 365, 120B/34 of the Indian Penal Code.

The prosecution case, in short, is that the accused persons including the petitioner kidnapped the sister of the informant.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been made accused due to mistake of fact. The victim girl has been recovered. Her statement was recorded under Section 164 Cr.P.C. in the court below. A petition has been filed on behalf of the victim girl and the informant vide Annexure-2 to the present



application, where they retracted from their earlier stand. It has been stated that the case has been instituted due to mistake of fact.

On behalf of the State and learned counsel for the opposite party No.2, it is submitted that the petitioner is named in the F.I.R. Counsel for the opposite party No.2 submits that the case was instituted due to mistake of fact and the opposite party No.2 does not controvert the statement made in Annexure-2 to the present application.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali in connection with Hajipur Sadar P.S. case No.389 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Narendra/-

(Sudhir Singh, J)

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