

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20232 of 2018

Arising Out of PS.Case No. -367 Year- 2017 Thana -MARHAURA District- SARAN

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1. Umesh Ray @ Umesh Prasad Yadava Son of Lakshman Rai @
Lakshman Pd. Yadav
2. Mithlesh Ray @ Mithlesh Prasad Yadav Son of Lakshman Rai @
Lakshman Pd. Yadav All are residents of Village - Bhualpur, P.S.
Marhaura, District - Saran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Sri Abhay Kumar - 1

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 04-05-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Marhaura P.S.Case no.367 of 2017 , registered for offences punishable under Sections 341, 342, 323, 365, 427, 504 and 506/34 of the Indian Penal Code.

Allegation against the petitioners is of kidnapping of the relation of the informant, Arvind Ray and also of assaulting.

Submission of the learned counsel for the petitioners is that earlier to this case, the petitioner no.2 had lodged a case against the informant and others, which is Marhaurah P.S.Case no.366 of 2017 and in order to save their skin from that case, the present case has been lodged and further submission is of falsity of the



persecution case, which will appear from the fact that it is alleged that he was kidnapped but it is said that he saw the victim in the police station in the injured condition.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail on the ground that the petitioners are the main accused and against petitioner no.2 criminal cases are pending..

Having heard both sides and in view of the facts and circumstances, as stated above , let the petitioners, above named, surrender before the court below within a period of six weeks from the date of order and on their surrender they will be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Saran in connection with Marhaurah P.S.Case no.367 of 2017, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.



With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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