

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49157 of 2018

Arising Out of PS. Case No.-289 Year-2018 Thana- MASAUDHI District- Patna

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1. Dally @ Sumit Gautam, S/o Satish Singh,
 2. Balla @ Sandeep Kumar @ Ballu, S/o Jitendra Singh @ Jitendra Kr., Both residents of Village- Poawan, P.S.- Masaurhi, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 26-11-2018 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in connection with Masaurhi P.S. Case No.289 of 2018, registered for the offences punishable under Sections 147, 148, 149, 452, 341, 342, 504, 506, 307, 364 of the Indian Penal Code and Section 27 of the Arms Act.

The petitioners and others forcefully kidnapped to the minor son of the informant and bitterly assaulted him. The informant, who is father of the victim, as well as the landlord of the house wherein the informant was tenant, have supported the allegation as eyewitness of the occurrence against the petitioner also.



Submission of the learned counsel for the petitioner is that the victim has not named anyone after recovery. The statement of the victim, recorded under Section 164 Cr.P.C., clearly shows that he was kidnapped and assaulted. However, he could not identify anyone.

Non-identification by the victim would not make the statement of other eyewitness doubtful at this stage. Hence, I am not inclined to grant anticipatory bail to the petitioners. Hence, the prayer for anticipatory bail is refused.

(Birendra Kumar, J)

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