

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.71105 of 2018

Arising Out of PS. Case No.-64 Year-2017 Thana- DUMARIYA District- Gaya

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Bablu Sharma, Son of Brijnandan Sharma @ Binay Sharma resident of
Village- Bhangia, P.S. Dumaria, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Neerad Parashar, Advocate

For the Opposite Party/s : Mr. Sri Sunil Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-12-2018 Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in Dumariya P.S. Case No.
64 of 2017 instituted for the offence under Section 364 of the
Indian Penal Code.

It is alleged in the written report that elder brother of
the informant was kidnapped from his residence by seven
unknown persons. It is further alleged that co-accused Islam
Ansari who was present at the spot has identified 3 kidnappers
i.e. father of petitioner, uncle of petitioner and petitioner
himself. They had locked all the family members of the victim
from outside while carrying brother of the informant with him.

Counsel for the petitioner submits that during course
of investigation victim was found in his house itself and
recovered by the police. Counsel for the petitioner further



submits that victim in his statement recorded under Section 164 Cr. P.C. has stated that while he was sitting in Verandah of the house, miscreants came and enquired from him about boy and girl. He could not identify any of them. Later on, he has stated the name of this petitioner and co-accused Vinay.

Counsel for the petitioner submits that during investigation it has come that witnesses have disclosed that son of the victim was having love affair with sister of petitioner. He has taken sister of petitioner with him and sister of the petitioner was in fact not traceable. The informant had gone to the victim's house in search of her daughter.

From the statement of victim recorded under Section 164 Cr. P.C. (Annexure-2), it appears that he has given different story from the facts mentioned in the written report.

Co-accused Brijnandan Sharma @ Binay Sharma has already been granted bail by coordinate Bench of this Court vide order dated 24.9.2018 passed in Cr. Misc. 40510 of 2018.

Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like



amount each to the satisfaction of learned Sub Divisional
Judicial Magistrate, Sherghati, in connection with Dumariya P.S.
Case No. 64 of 2017, subject to the condition that both the
bailors will be the close relatives of the petitioner.

(Sanjay Priya, J)

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