

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39486 of 2018

Arising Out of PS.Case No. -177 Year- 2002 Thana -YOGAPATTI District-
WESTCHAMPARAN(BETTIAH)

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1. Rajpati Devi, Wife of Sri Sheochandra Pal @ Shiv Chandra Raut,
2. Sheochandra Pal @ Shiv Chandra Raut, Son of Late Ambika Pal, Both
resident of Village- Dhanwatiya, Police Station- Yogapatti, District- West
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate
Mr. Raj Shekhar, Advocate
Mr. Muralidhar, Advocate

For the Opposite Party/s : Mr. Panchanand Pandit, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 09-07-2018 Heard both sides.

The petitioners apprehend their arrest in Yogapatti P.S.

Case No.177 of 2002 registered under Sections 363 and 366A of
the Indian Penal Code.

The informant alleged that the petitioner and others
kidnapped the daughter of the informant after taking her to attend
the call of nature.

The learned counsel for the petitioners submits that the
victim made her statement under section 164 Cr.P.C. She
disclosed that Sanjay pal, Ravindra Mahto, Ghanshyam Sah and
Jawahar Miyan kidnapped her. The victim did not make any



allegation against the petitioners. The son of the petitioner was granted bail vide order dated 09.06.2003 passed in Cr. Misc No. 1194 of 2003. It is further submitted that police after investigation submitted final form finding the case false against the petitioners but the Learned C.J.M. took cognizance of the offence against the petitioners on 23.12.2010. A non-bailable warrant was issued against the petitioners on 03.04.2017.

Having considered the facts aforesaid that the police after investigation submitted final form finding the case false against the petitioners but the learned C.J.M. took cognizance after differing with the finding of the Investigating Officer, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, West Champaran, Bettiah, in connection with Yogapati P.S. Case No.177 of 2002, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Saurabh/-

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(Prabhat Kumar Jha, J)