

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4330 of 2019

Arising Out of PS. Case No.-175 Year-2018 Thana- GURARU District- Gaya

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1. Ajay Yadav @ Ajay Kumar S/o Vinesh Yadav @ Vineshar Yadav @ Karu Yadav R/o Village-Barka Gaoon, P.S.-Kurtha, Distt.-Arwal.
 2. Santosh Yadav S/o Prakash Yadav R/o Village-Jangaldiha, P.S.-Guraru, Distt.-GayaRohtas

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shivendra Prasad
For the Opposite Party/s	:	Mr.Anuj Kumar Shrivastava
for the Informant	:	Mr. Pravin Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-01-2019 Heard both sides.

The petitioners apprehend their arrest in Guraru P.S. case No. 175 of 2018 registered under Section 366A of the Indian Penal Code.

The informant alleged that her Daughter had gone to attend the call of nature but she did not return. The informant made frantic search and came to know that Ajay Yadav kidnapped her daughter.

The learned counsel for the petitioners submits that informant is not an eye witness of the occurrence. The victim made her statement under Section 164 of the Cr. P. C. (Annexure-2) and disclosed that while she had gone to bring her



she goat both the petitioners on the pretext of dropping her to her house took her to Kurtha on a bike and dropped her at the residence of her sister situated in village Pandit Bigha from where she was brought by her brother. She did not raise any objection. It is submitted that petitioners did not kidnap the victim. Had the victim been kidnapped she would have raise objection while she was being taken on a motor cycle.

On the other hand the learned learned counsel for the informant as well as learned APP opposed the prayer and submitted that victim disclosed that she was forcibly taken but from perusal of the statement of victim, it appears that victim went along with petitioners on a motor cycle. Had she been kidnapped forcibly she would have raised alarm all through the way or when she was dropped to the house of her sister but she did not raise any complaint or alarm even at the time of dropping her at the house of her sister.

Considering the facts aforesaid and the nature of allegation made against the petitioners, 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) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate V, Gaya in connection with Guraru P.S. Case No. 175 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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