

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7424 of 2019

Arising Out of PS. Case No.-309 Year-2018 Thana- MURLIGANJ District- Madhepura

ABHIMANYU KUMAR YADAV, S/o Shankar Yadav, Resident of Village-
Katharwa, P.S.- Madhepura (Bharrahi O.P.), District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surya Narayan Yadav, Adv.

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 08-02-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 10.09.2018 in a case registered for the offence punishable under Sections 363 and 365 of the Indian Penal Code.

The prosecution case got initiated on the basis of written report of Manoj Yadav submitted to the Station House Officer, Murliganj Police Station is to the effect that Mantosh Kumar, aged about 14 years was taken by co-accused Sintu Yadav on the pretext of roaming, but the son of the informant did not return. Thereafter, the informant asked from co-accused, Sintu Yadav, who conveyed that he sent the son of the informant to co-accused Abhimanyu Kumar Yadav for taking him to Chennai. It is alleged that when the informant asked



him to get his son back, then co-accused Sintu Yadav assured him that he will be taken back as soon as he goes to Chennai. But the son of the informant did not return.

It is submitted by learned counsel for the petitioner that the thrust of accusation is against co-accused Sintu Yadav. In the statement of the victim recorded under Section 164 of the Cr. P.C. though the victim has stated that he was taken by co-accused, Sintu Yadav and the petitioner and they also assaulted him, but has not alleged kidnapping. In fact, the father of the victim himself sent the victim with the petitioner for the purpose of getting employment and the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the victim has named the petitioner in the statement recorded under Section 164 of the Cr.P.C.

Considering the fact that the statement of the victim recorded under Section 164 of the Cr. P.C. does not suggest the accusation of kidnapping and the investigation being concluded, coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal



antecedent, let the above named petitioner 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
CJM, Madhepura, in connection with Murliganj P.S. Case No.
309 of 2018.

(Dinesh Kumar Singh, J)

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