

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.21831 of 2019

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

SINTU YADAV @ SINTU KUMAR, aged about 35 years, Male, Son of
Musahru Yadav @ Mushahasru Yadav, Resident of Village-Bishunpur, Ward
No.11, Police Station- Murliganj, District- Madhepura

... Petitioner

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Adv.

For the Opposite Party : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

2 10-04-2019

Heard the learned counsel for the petitioner and the learned
Additional Public Prosecutor appearing for the State.

The petitioner is languishing in judicial custody since
10.09.2018 in connection with Murliganj P.S. Case No. 309 of 2018 for
the offences alleged under Sections 363 and 365 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is that the
petitioner took away his 14 years old son, Mantosh Kumar, on
08.03.2018 for 3-4 hours, but, his son did not return. On query from
the petitioner, the informant was told that his son had gone to Chhenai
to work, thereafter, when the informant's son did not return, the
informant went to Chennai and recovered his son.

It has been submitted by the learned counsel for the petitioner
that he is innocent, bears no criminal history and the son of the
informant went out of his own sweet will to work at Chennai. He
submits that although the date of occurrence is 08.03.2018, first
information report has been lodged on 09.09.2018, after delay of six
months and no plausible explanation has been given for such delay.



The victim boy also, in his statement under Section 164 of the Criminal Procedure Code, has only alleged that he was beaten by the petitioner and other co-accused, except that no other allegation has been levelled against the petitioner. He submits that the charge sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the nature of allegations, the period of custody as well as the fact that the charge sheet has already been submitted coupled with the statement that the petitioner does not have any criminal antecedent, as stated in paragraph 3 of the present application, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Murliganj P.S. Case No. 309 of 2018 to the satisfaction of the learned Chief Judicial Magistrate, Madhepura, or the successor Court.

(Nilu Agrawal, J)

Shamshad/-

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