

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 25408 of 2019

Arising Out of PS. Case No.-34 Year-2019 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. Subhash Rai S/O Ram Bihari Rai @ Ram Bihari Ray
 2. Ram Bihari Rai @ Ram Bihari Ray, S/O- Late Beyas Rai
Both are R/O Village- Harajpur, P.S.- Muffasil Motihari, Dist.- East
Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv

For the Opposite Party/s : Mr.Amit Kumar Rakesh,APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 11-06-2019 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners seek bail in a case registered for the
offences punishable under Sections 363,365,368/34 of the
Indian Penal Code.

Allegation is that the petitioners and others
kidnapped to the son of the informant on 19.01.2019. The boy
was recovered on the very next day from behind the house of
the petitioners. His hands and legs were tied with rope. His
statement under Section 164 Cr.P.C. was recorded wherein he
supported the allegation of kidnapping and stated that the
petitioners had taken wine and that is why they had kidnapped



him. One more inkling is there that mother of the victim used to call the petitioners in her house and for that father of the victim had assaulted the petitioners.

Submission is that even if entire allegation is assumed to be correct, an offence of kidnapping simpliciter is made out which is bailable one. There is no material to substantiate any motive for kidnapping rather false allegation is there to pressurize in the matter of some affairs between a girl of the family of the informant with a family member of the petitioners.

Learned counsel for the informant opposed the prayer for bail.

Considering the entire facts as well as completion of investigation, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Muffasil Motihari Police Station Case No.34 of 2019, subject to the condition that both bailors shall be resident of territorial jurisdiction of the learned court below and further the petitioners shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the



bail bond of the petitioners.

(Birendra Kumar, J)

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