

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17945 of 2020

Arising Out of PS. Case No.-94 Year-2017 Thana- PATORI District- Samastipur

Ravindra Kumar Rahi Son of Late Upendra Sah Resident of Village - Dih
Mohanpur, P.S.- Patory (Mohanpur O.P.), Distt - Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar

For the Opposite Party/s : Mr.Suman Kumari Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 15-07-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending his arrest in a case
registered under Section 364/34 of the Indian Penal Code.

Prosecution case, in short is that the informant’s brother
having closed his shop, proceeded to home, but he did not reach
to the destination. It was suspected by the informant that his
brother was kidnapped.

It has been submitted on behalf of the petitioner that the
petitioner has got no criminal antecedent. There is no allegation



of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. The victim has been recovered. His statement u/S 161 Cr. P.C. was recorded, in which, he did not name the petitioner. Subsequently, after 7-8 days, his statement u/S 164 of the Cr.P.C. was recorded wherein name of the petitioner has surfaced. There is contradiction in the statement of the victim, recorded under sections 161 Cr. P.C. and under section 164 Cr.P.C., which makes the prosecution case doubtful.

On behalf of the State, it is submitted that the petitioner is not named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case and also the lockdown, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, be released on anticipatory bail on his personal bond to the satisfaction of learned Additional Chief Judicial Magistrate-IVth, Samastipur in connection with Patory P.S. Case No. 94 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with



two sureties of the like amount each within a period of seven weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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