

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42949 of 2019

Arising Out of PS. Case No.-1895 Year-2018 Thana- COMPLAINT CASE District- Banka

1. Radhika Das @ Radhika Harijan @ Radhika Ravidas, Son of Late Dukhan Das Resident of Village - Bari Vishhar, P.S.- Barahat, District- Banka.
2. Bina Devi, Wife of Radhika Das @ Radhika Harijan @ Radhika Ravidas, Resident of Village - Bari Vishhar, P.S.- Barahat, District- Banka
3. Pankaj Das @ Tridev Das, Son of Radhika Das @ Radhika Harijan @ Radhika Ravidas, Resident of Village - Bari Vishhar, P.S.- Barahat, District- Banka
4. Ramji Das @ Ramjee Das, Son of Radhika Das @ Radhika Harijan @ Radhika Ravidas, Resident of Village - Bari Vishhar, P.S.- Barahat, District- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kanchan Devi, Wife of Sri Raju Das, Resident of Village - Bari Vishhar, P.S.- Barahat, District- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Nurul Hoda
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

8 05-02-2020 Heard learned counsel for the petitioners, learned counsel for the complainant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Complaint Case No. 1895 of 2018, registered under Sections 364 and 504/34 of the Indian Penal Code, pending in the court of learned Judicial Magistrate Ist Class, Banka.

The accusation is that Mithilesh Das, aged about 15



years, son of complainant, Kanchan Devi, was accompanied by Pankaj Das and Ramji Das for watching Drama boarding in the tempo of villager, Binod Das but her son did not return till late night. On next morning, in course of search of her son, informant reached at the house of Radhika Das (petitioner) then wife of Radhika Das (petitioner) replied that boys have not returned. When complainant, Kanchan Devi made query then he started to abuse saying to trace out her son on execution of the sale deed in respect of piece of land. The complainant, Kanchan Devi raised suspicion about kidnapping of her son by the aforesaid persons named in the complaint petition.

Learned counsel for the petitioners submits that in the light of order dated 04.12.2019 passed by a Bench of this Court, the police traced out the victim, Mithilesh Das, son of the complainant and his statement under Section 164 Cr.P.C. was recorded on 18.12.2019, in which, he stated that he went at Delhi and used to drive the vehicle of one Rupendra Singh for his livelihood and his age was assessed as 21 years, which would appear from the letter no. 1 dated 07.01.2020 of Miss. Sapna Rani, J.M. Ist Class, Banka.

Having regard to the facts and circumstances of the case, the provisional pre-arrest bail granted to the petitioner vide



order dated 12.07.2019 stands confirmed.

Accordingly, this application stands allowed.

(Rajendra Kumar Mishra, J)

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