

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70285 of 2019

Arising Out of PS. Case No.-290 Year-2018 Thana- KISHUNPUR District- Supaul

1. Md. Hajrat @ Md. Hajrat Ali Son of Fida Hussain Resident of Village-Rajpur, Ward no.6, P.S.-Kishanpur, District-Supaul.
2. Md. Mister Son of Fida Hussain Resident of Village-Rajpur, Ward no.6, P.S.-Kishanpur, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivek Kumar

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

7 16-09-2020 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Kishanpur P.S. Case No. 290 of 2018 registered for the offences
punishable under Sections 464A, 363, 371, 368, 504, 367,
370A, 363A, 354, 354B, 323 and 120B of the Indian Penal
Code .

Originally, informant filed complaint Case bearing
Complaint Case No. 921C of 2018 on 29.09.2018 and the
complaint case was sent to the concerned police station for
institution of the F.I.R and accordingly, the above stated
Kishanpur P.S.Case No. 290 of 2018 was registered against the



petitioners and others.

The accusation against the petitioners is that they forcibly took away son of informant and demanded Rs. 50,000/- ransom for release of informant's son.

Learned counsel appearing for the petitioners submits that according to the prosecution case itself, the alleged occurrence took place on 17.09.2018 whereas the complaint case was filed on 29.09.2018 and the aforesaid delay has not been explained. He further submits that as a matter of fact, the informant's son went to Delhi along with petitioner no. 1 with permission of his parents and started working for petitioner no. 1 but after some time, he left work and fled away to unknown place and, thereafter, petitioner no. 1 lodged Shana at Delhi, which is evident from perusal of the Annexure-2 to the petition. He further submits that moreover, the victim has already returned to his home which is evident from perusal of Para-33 of the case diary. He also points out that statement of victim has been recorded under section 164 of the Cr.P.C in which victim admitted that he went with the petitioner no. 1 after taking permission from his mother. He further submits that no doubt, the victim claimed that petitioner no. 1 sold him but the aforesaid fact is not corroborated by any material.



Learned APP opposes the bail prayer of the petitioners.

Considering the facts and circumstances as well as the above stated materials available on the case diary, let petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Supaul in Kishanpur P.S. Case No. 290 of 2018 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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