

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13160 of 2020

Arising Out of PS. Case No.-249 Year-2018 Thana- NAANPUR District- Sitamarhi

1. MITHILESH RAI @ MITHLESH KUMAR Son of Devenarayan Ray Resident of Village-Mohani Mahua Gachhi, P.S.-Nanpur, District-Sitamarhi.
2. Jai Mangal Rai @ Jaimangal @ Jay Mangal Rai Son of Bhola Rai Resident of Village-Mohani Mahua Gachhi, P.S.-Nanpur, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 17-02-2021 It is stated by learned counsel for the petitioners that petitioner no. 1 has been arrested during pendency of this application.

This application to the extent it relates to petitioner no. 1 stands dismissed as having become infructuous.

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Nanpur P.S. Case No. 249 of 2018, disclosing the offence under Sections 363, 366-A/34 of the Indian Penal Code.

Learned counsel for the petitioner has referred to the statement of the victim recorded under Section 164 of the Cr.P.C., a copy of which has been brought on record by way of



Annexure-2 to this application that the entire case of the prosecution of kidnapping, as alleged in the FIR, stands belied.

On perusal of the said statement, I find substance in submission made on behalf of petitioner no. 2. This application to the extent it relates to petitioner no. 2 stands allowed.

Let petitioner no. 2, above-named, in the event of his arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned S.D.J.M., Pupri, Sitamarhi, in Nanpur P.S. Case No. 249 of 2018, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present himself before the Police/ Court, as the case may be, as and when required and in the event of failure on his part to appear before the court on two consecutive occasions, his bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Rajesh/-

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