

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35703 of 2020**

Arising Out of PS. Case No.-204 Year-2020 Thana- LAUKAHA District- Madhubani

MD SHAKIL son of Md. Shamim Resident of Village- Ward No. 5,
Karmeghe tole, Laukaha, P.S.- Laukaha, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Shubham

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

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 15-01-2021 Heard learned counsel for the parties.

This application for regular bail arises out of Laukaha P.S. Case No. 204 of 2020 (G.R. No. 1366 of 2020), disclosing offences punishable under Sections 363,365/34, 120B of the Indian Penal Code.

There are five persons named in the First Information Report including this petitioner. It appears that other family members of the petitioner have also been implicated. According to the prosecution's case, as disclosed in the First Information Report on 25.07.2020 at about 11A.M. the accused persons entered into the informant's house and after having looted certain valuables, kidnapped his wife and



minor daughter. He has further alleged that he made all efforts to locate his kidnapped wife and daughter but in course of inquiry, he learnt that the persons named in the FIR had committed the offence. The FIR was registered on 27.07.2020. The petitioner is in custody since 31.07.2020.

Learned counsel appearing on behalf of the petitioner, referring to the First Information Report, has submitted that dispute relating to business between the informant and the petitioner has been mentioned in the FIR itself. He has further submitted that two days delay in lodging of the FIR in a case of such nature falsifies the entire allegation. He has further submitted that the informant's wife has made her statement under Section 164 of the Code of Criminal Procedure, wherein she has not uttered even a single word about the alleged kidnapping of the daughter. The case of the prosecution, he contends is, therefore, doubtful.

On perusal of the FIR, I find force in the submission made on behalf of the petitioner. This application is allowed.

Let the petitioner above-named be released



on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Madhubani in Laukaha P.S. Case No. 204 of 2020 (G.R. No. 1366 of 2020).

(Chakradhari Sharan Singh, J)

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