

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1130 of 2021

Arising Out of PS. Case No.-319 Year-2020 Thana- SITAMARHI District- Sitamarhi

1. KANHAIYA KUMAR @ KANHAIYA KUMAR SAH Son of Shri Lal Babu Prasad Resident of Village - Koat Bazar Ward No.15, P.S.- Sitamarhi, Dist.- Sitamarhi.
2. LAL BABU PRASAD @ Lal Babu Sah Son of Yugal Kishor Prasad Resident of Village - Koat Bazar Ward No.15, P.S.- Sitamarhi, Dist.- Sitamarhi.

... .. Petitioners.

Versus

THE STATE OF BIHAR

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Mohit Agarwal, Advocate.
For the State	:	Mr. Arun Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 27-08-2021 As prayed for, through Video Conferencing, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 03.01.2021, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State, through Video Conferencing.

The petitioners apprehend their arrest in connection with Sitamarhi P.S. Case No.319 of 2020 (G.R. No.2171 of 2020) registered under Sections 363, 366(A) read with Section 34 of the Indian Penal Code.



The accusation is that in the evening of 26.06.2020, the minor daughter of the informant Abdul Sadir moved from the house but she did not return. On search, the minor daughter of the informant could not be traced but the informant came to know that one Kanhaiya Kumar Sah (petitioner no.1), son of Lal Babu Sah (petitioner no.2) had come to his house and accompanied his minor daughter boarding on blue colour Scooty. When the informant went to the house of Kanhaiya Sah (petitioner no.1) and made query to his father Lal Babu Sah (petitioner no.2), then he gave threatening to the informant of dire consequences. The informant claimed that he has firm belief that his minor daughter has been kidnapped by Kanhaiya Sah (petitioner no.1) with the help of his father Lal Babu Sah (petitioner no.2).

Learned counsel for the petitioners submits that on mere suspicion, both the petitioners have falsely been implicated in this case. In her statement recorded under Section 164 of the Code of Criminal Procedure on 30.06.2020, the minor daughter of the informant has stated that when she asked her father for the registration of her name in Intermediate, she was scolded by him, due to which she became annoyed and went to the house of her grandmother. She was not kidnapped



by anyone. Both the petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in connection with Sitamarhi P.S. Case No.319 of 2020 (G.R. No.2171 of 2020), subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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