

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79805 of 2019

Arising Out of PS. Case No.-154 Year-2019 Thana- GHANSHYAMPUR District- Darbhanga

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GOPAL MISHRA,, Male, aged about 47 years, Son of Late Indrakant Mishra, Resident of Village-Hardwar, P.S.- Ganshyampur, District-Darbhangha.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Shailendra Kumar Jha, Advocate.

For the Opposite Party : Mr.Binod Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

7 25-02-2021 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 366/34 of the I.P.C.

The prosecution story, in brief, is that the petitioner
with the help of his son Baiju Mishra, kidnapped the newly
married daughter of the informant. At the time of kidnapping,
the victim was carrying jewellery, cash and other articles.

It has been submitted by learned counsel for the
petitioner that the petitioner has falsely been implicated in the
present case. There is no allegation of tampering with the
witnesses alleged against the petitioner. The victim has been
recovered and her statement under Section 161 of Cr.P.C. has



been recorded where she has stated that she has left her house out of her own will. Subsequently, her statement under Section 164 of Cr.P.C. has been recorded where she has retracted from her earlier statement recorded under Section 161 of Cr.P.C. There are vast contradictions between the statement of the victim recorded under Section 161 Cr. P.C. and under Section 164 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the provisional bail granted to the petitioner by another Co-ordinate Bench of this Court, vide order dated 09.12.2019, is hereby confirmed.

(Sudhir Singh, J)

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