

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35343 of 2021**

Arising Out of PS. Case No.-35 Year-2021 Thana- ATHMALGOLA District- Patna

Arbind Singh S/O Late Yamuna Singh R/O Village-Tola Babu Mohan Singh,
P.S-Athmalgola, District-Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh- Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

4 21-02-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Barh
P. S. Case No.35 of 2021, instituted for the offences under
Sections 363, 365 of the Indian Penal Code.

The learned counsel for the petitioner submits that
the petitioner is in custody since 27.02.2021, he is a person
with clean antecedent and charge-sheet has been submitted
in this case.

The learned counsel for the petitioner further
submits that from perusal of the impugned order, it would
manifest that the impugned order records that petitioner is
in custody since 17.03.2021 and then it also records that the
petitioner, all of a sudden, was arrested from his house and



forwarded in this case on 27.02.2021 and as such, on account of the confusion created by the impugned order that the petitioner with certainty cannot submit that the petitioner is in custody since which date either 17.03.2021 or 27.02.2021.

The learned counsel for the informant alleges that on 23.02.2021, the informant had given information regarding missing of his son since 22.02.2021. It is further alleged that the son (victim) was recovered from the house of the petitioner on 25.02.2021 in an unconscious state. Thus, suspects that his son was confined by the petitioner for ulterior motive. It is further alleged that the victim was taken to the clinic of Dr. Siya Ram Singh at Barh.

The learned counsel for the petitioner submits that the petitioner in the F.I.R. alleges that on 23.02.2021, he had given an information to the concerned Police Station about the missing of his son since 22.02.2021 and the son was recovered on 25.02.2021 and thereafter, the present F.I.R. came to be instituted on 26.02.2021. It is thus submitted that if the victim was really missing since 22.02.2021 and the information about the same was given



to the police station on 23.02.2021, then why an F.I.R. was not instituted when the missing of the victim was more than 48 hours.

It is further submitted that it is after recovery of the victim that the present case of kidnapping came to be instituted which further suggests that the F.I.R. has been instituted with an ulterior motive and it does not stand to reason that a child would go missing and the parents would not institute an F.I.R.

The learned counsel further submits that the victim is the nephew of the petitioner and this fact has been concealed in the F.I.R. The F.I.R. does not even remotely suggest that how the informant came to know that the victim was in the house of the petitioner.

Learned A.P.P. opposes the bail application.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in this case and the victim is the nephew of the petitioner, a fact which stands concealed in the F.I.R., the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/-



(Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Barh, Patna in connection with Athmalgola P. S. Case No.35 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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