

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35326 of 2022

Arising Out of PS. Case No.-13 Year-2022 Thana- HATHAURI District- Muzaffarpur

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Vinod Kumar @ Bhola, Son of Dharmjeet Sahani R/O Village- Narma, P.S.-
Hathauri, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioner and the

learned APP for the State through virtual mode in view of

COVID-19.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Hathauri P.S. Case No.13 of 2022 instituted under Sections
120(B), 364/34 of the Indian Penal Code.

As per the prosecution story, the informant has
alleged that the accused persons took away her son Golu
Kumar despite her begging not to do so. Accordingly, she
lodged this FIR.

Subsequently, the victim boy was recovered and as
per the statement made by the petitioner in the bail application,
he has named him as one of the co-accused who took him away.



Learned counsel for the petitioner submits that although, the said statement has been made in the bail application he has failed to bring on record how he identified him in view of the petitioner belonging to a different village.

Learned APP on the other hand submits that not only there is allegation against him of taking the informant's son, the victim boy has also alleged his name in the 164 Cr.P.C. statement.

Taking into account the fact that petitioner has not only consistently been named by the informant in her FIR, even the victim boy in his statement under 164 Cr.P.C. has named him as the person who took him away, this Court for the present is not inclined to grant him privilege of bail, which is accordingly rejected.

(Rajiv Roy, J)

Prakash Narayan /-

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