

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43383 of 2014

Arising Out of PS.Case No. -254 Year- 2014 Thana -BARH District- PATNA

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1. Surendra Prasad Son of Late Madho Ram Resident of Village-Jiyar,
P.S.-Asthawa, District-Nalanda.
2. Sarwan Prasad @ Sarwan Ram Son of Late Prashadi Ram Resident of
P.S.-Bahadur, District-Patna.

.... Petitioner/s

Versus

1. The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey

For the Opposite Party/s : Mr. S.D. Singh Yadav (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 27-03-2015 Heard learned counsel for the petitioners and learned
counsel representing the State.

Petitioners apprehend their arrest in connection with
Barh P.S. Case No. 254 of 2014 registered for the offences
punishable under Sections 366A/34 of the Indian Penal Code.

Allegedly, the petitioners came at the house of the
informant and proposed to marry his daughter with bhagina
Jitendra Kumar to which informant refused and they took the
mobile number of the informant's daughter and thereafter, they
started talking with her and further when she had gone for
coaching on 24.6.2014 she was kidnapped. During investigation
the victim girl has been recovered and her statement has been
recorded under Section 164 of the Cr.P.C. wherein she has
supported the allegation of kidnapping and further that she was

sold with another person where the maternal uncle of Jitendra was also present.

Submission is of false implication and that as a matter of fact the informant proposed to marry his daughter which was not settled and then to put pressure this false case has been lodged. The victim has not stated anything against the petitioners, and as such, they deserve sympathetic consideration to which the learned APP seriously opposes.

Considering that petitioners came with proposal and took the mobile number and then allegedly, the daughter of the informant was kidnapped and further the victim in her statement recorded under Section 164 Cr.P.C. has stated that she was sold at Delhi where the maternal uncle of Jitendra was also present, and as such, considering the allegation, this Court is not persuaded to grant the privilege of pre-arrest bail to the petitioners, accordingly, their such prayer stands rejected.

However, in case and if so advised, the petitioners surrender and seek regular bail before the court below, then their prayer for bail shall be considered on its own merit on the same day without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

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