

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36964 of 2014

Arising Out of PS.Case No. -65 Year- 2014 Thana -BARUN District- AURANGABAD

1. Mukesh @ Mukesh Sao Son of Hari Sao
2. Guddu @ Gautam Kumar @ Guddu Kumar Son of Hira Sao
3. Deepak @ Deepak Prasad Son of Hira Sao All resident of village -
Gobaradhan Bigha, P.S. - Barun, District- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.44593 of 2014

Arising Out of PS.Case No. -65 Year- 2014 Thana -BARUN District- AURANGABAD

1. Hari @ Hari Sao S/o Late Babulal Sao
2. Mantu @ Mantu Sao S/o of Munilal Sao
3. Hira @ Hira Sao S/o late Babulal Sao
4. Bablu @ Bablu kumar S/o Munilal Sao
5. Munilal @ Munilal Sao S/o late Raj Ram Sao
6. Chote @ Chhote Sao S/o Hari Sao
7. Raja Ram @ Raja Ram Sao S/o of Late Babu lal Sao
8. Gautam @ Gautam kumar S/o Raj Ram Sao
9. Kishore @ Kishore Sao S/o Hari Sao

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.36964 of 2014)

For the Petitioner/s : Mr. Anil Kr Singh No. 6

For the Opposite Party/s : Mr. Nand Kishor Pd.(App)

(In Cr.Misc. No.44593 of 2014)

For the Petitioner/s : Mr. Anil Kr Singh No. 6

For the Opposite Party/s : Mr. Rita Verma(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA

ORAL ORDER

3 15-04-2015 Heard learned counsel for the petitioners in both the
cases as well as learned counsel for the State.

Both the above mentioned Criminal Miscellaneous applications arise out of the same police station case and as such both have been heard together and are being disposed of by passing this common order.

In these applications for anticipatory bail the petitioners apprehend their arrest for the offences punishable under section 366 (A) of the I.P.C.

Allegedly, the minor daughter of the informant was kidnapped and it is alleged that the co-accused Upendra Sao has caused threats to kidnap her with an intention to marry with her. After investigation the victim girl was recovered and her statement under section 164 Cr.P.C. has been recorded wherein she has named all the petitioners regarding their involvement in her kidnapping and further she has stated that she was raped by the accused persons.

Submission is of false implication and that love affair was going on between Upendra Sao and daughter of the informant which is evident from various letters. The petitioners are not named in the F.I.R. and at the instigation of her mother the victim girl has stated the names of the petitioners in her statement recorded under section 164 Cr.P.C. There is land dispute and due to that their names have been implicated and as such the

petitioners deserve sympathetic consideration, to which the learned A.P.P. duly assisted by the learned counsel for the informant opposes prayer for bail by pointing out the statement of the victim girl recorded under section 164 Cr.P.C. which is mentioned in paragraph- 63 of the case diary.

Considering the allegations attributed against the petitioners that all of them were involved in kidnapping of the victim girl and further she has been raped by some of the accused persons and as such this Court is not inclined to grant privilege of pre-arrest bail to all the petitioners and as such their such prayer stands rejected in connection with Barun P.S. Case No. 65 of 2014 pending in the court of C.J.M. Aurangabad (Bihar).

(Jitendra Mohan Sharma, J)

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