

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43971 of 2015

Arising Out of PS.Case No. -143 Year- 2014 Thana -BUXAR District- BUXAR

1. Anil Yadav Son of Bhola Yadav
2. Bipin Yadav Son of Bhola Yadav Resident of Village Budhadih, P.S. Rajpur, District Buxar. presently residing at Charitravan Buxar, Police Station, Buxar, District Buxar.
3. Narendra Yadav @ Nagendra Yadav Son of Tej Narayan Singh, Resident of Villae- Bahuara, Police Station Rajpur, District- Buxar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Sinha
For the Opposite Party/s : Mr. Pushpa Sinha 2(App)

CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 16-10-2015 Heard counsel for the petitioners and the State.

The three petitioners herein seek anticipatory bail in a case instituted under section 366 and 366A/34 IPC vide Buxar Town P.S. Case No. 143 of 2014.

It is alleged that the minor daughter of the informant had gone to take the examination and thereafter did not return. On enquiry, it was revealed that petitioner no.1 Anil Yadav and co accused Manu Rai had kidnapped her. The police submitted the final form against petitioner no.1. The trial was taken up vide S.T. No. 143 of 2014 wherein witnesses were examined and they supported the

allegation of kidnapping.

The contention of the petitioners is that the police submitted the final form against petitioner no.1. There is no allegation of kidnapping or sexual harassment against petitioner nos.2 and 3 who have been ordered to stand trial along with petitioner no.1 under section 319 Cr. P.C.

Counsel for the State, on the other hand, opposed the prayer and submitted that the victim in her statement under section 164 Cr. P.C. has clearly stated about petitioner no.1 who along with Manu Rai had induced and kidnapped her.

Considering the facts and circumstances of the case, I am not inclined to grant anticipatory bail to petitioner no.1 (Anil Yadav). His prayer is refused.

So far as petitioner nos. 2 and 3, namely, Bipin Yadav and Narendra Yadav @ Nagendra Yadav are concerned, in the event of their arrest/surrender within four weeks from today, shall be released on bail on furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction Additional, Sessions Judge-VI, Buxar in S.T. No. 48 of 2015 arising out of Buxar Town P.S. Case No. 143 of 2015 on condition that

one of the bailors shall be their own/close family members. In the event of framing of charge, they shall appear in person on each date fixed at the trial. In case of default in doing so on two consecutive dates, the trial court shall have liberty to cancel their bail bonds.

(Kishore Kumar Mandal, J)

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