

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.51988 of 2014**

Arising Out of PS.Case No. -129 Year- 2013 Thana -PATRAKARNAGAR District- PATNA

- =====
1. Birendra Rai @ Binda @ Binda Rai s/o Late Jaddu Rai Resident of village - Phulwarisharif, P.S. - Phulwarisharif, District - Patna.
  2. Vikash Kumar @ Tunna, S/o Birendra Rai @ Binda Rai @ Binda resident of village - Phulwarisharif, P.S. - Phulwarisharif, District - Patna.
  3. Pappu Kumar S/o Birendra Rai @ Binda Rai @ Binda, Resident of village - Phulwarisharif, P.S. - Phulwarisharif, District - Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ramakant Yadav

For the Opposite Party/s : Mr. Lalan Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL**  
**ORAL ORDER**

4 06-07-2015

Heard the Counsel for the petitioners and the APP for the State.

Petitioners apprehend their arrest in connection with Patrakar P.S. Case No. 129 of 2013 registered under Sections 363, 366A and 328/34 of the Indian Penal Code.

The father of the victim lodged the case that on the alleged date of occurrence, Chintu Kumar came to his house and mingled certain medicine in the tea which was being served and thereafter took away his minor daughter.

Contention of the petitioners is that the petitioners herein are father and two brothers of Chintu Kumar. Even going by allegation in the First Information Report, there is no allegation



of kidnapping/abduction attributed to the petitioners who are family members. The victim made statement under Section 164 Cr.P.C. in which she has not attributed any overt act to the petitioners. Chintu Kumar has since been released on regular bail. The wife of petitioner no. 1 and mother of petitioner nos. 2 and 3 has also been released on anticipatory bail vide order dated 04.02.2015 passed in Cr. Misc. No. 33450 of 2014.

Considering the aforesaid, I direct that in the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1<sup>st</sup> Addl. Sessions Judge, Patna in Patrakarnagar P.S. Case No. 129 of 2013 (S. Tr. No. 1285 of 2013) subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to

cancel the bail bond of the petitioners and secure their arrest in  
accordance with law.

Pankaj/-

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**(Kishore Kumar Mandal, J)**

