

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4245 of 2016

Arising Out of PS.Case No. -278 Year- 2015 Thana -SARAIYA District- MUZAFFARPUR

- =====
1. Baliram Bhagat @ Balua Son of Krishna Bihari Bhagat @ Krishna Bihari Bhakt
2. Sunil Bhagat Son of Late Chandradeo Bhagat Both residents of Village- Birpur, P.S. Saraiya, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nachiketa Jha

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

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 22-04-2016 Learned counsel for the petitioners prays and is granted liberty to withdraw this application against petitioner No. 2 (Sunil Bhagat) as the petitioner No. 2 has been taken into custody and the same has become infructuous.

The application as against petitioner No. 2 (Sunil Bhagat) is thus dismissed as infructuous.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with a case registered for the offences punishable under Section 366A/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the case



against the present petitioner is wholly unfounded and the present case was lodged only because the petitioner had been supporting the accused Ashok Bhagat in another case wherein the witnesses of this case and brother of the informant have been made accused. He submits that though this petitioner has been named in the statement made under Section 164 Cr. P.C., no specific role has been assigned to him and there was no element of love affairs as has been made in the prosecution case.

Learned counsel for the State after perusal of the case diary has, however, submitted that in the statement made by the victim girl under Section 164 Cr.P.C, she has categorically stated that it is the petitioner alongwith one Sunil Bhagat and Ashok Bhagat has participated and forcibly taken her away from her house and had confined her to a mud-house after which she was rescued by the Mukhiya of the village. It has been submitted earlier that Sunil Bhagat (petitioner No. 2) has been taken into custody and the petitioner is similarly placed.

Considering the aforementioned facts and circumstances, I am not inclined to grant anticipatory bail to this petitioner in connection with Saraiya P.S. Case No. 278 of 2015 pending in the Court of learned Sub-Divisional Judicial Magistrate, (West), Muzaffarpur.

If, however, the petitioner surrenders in the Court below within a period of four weeks from today, it shall be open to the Court concerned to view the case of the petitioner on its own merit and pass orders without being prejudiced by the present order.

(Anjana Mishra, J)

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