

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54116 of 2015

Arising Out of PS.Case No. -135 Year- 2015 Thana -HASANPUR District- SAMASTIPUR

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1. Dilip Sah Son of Late Ramotar Sah
2. Ramnandan Sah @ Ramanand Sah Son of Late Ramotar Sah
3. Pankaj Sah Son of Sri Sudip Sah All petitioners are resident of Village -
Kharahia, P.O. - Mangalgarh, P.S. - Hasanpur, District - Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh
For the Opposite Party/s : Mr. Madan Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

3 29-02-2016 Heard the Counsel for the petitioners and Mr. Dayal, APP
for the State.

Petitioners, along with several others, are facing prosecution
punishable under sections 448, 341, 323, 363, 366, 379, 504,
506/34 of the Indian Penal Code vide Hasanpur P.S. Case No. 135
of 2015.

It is alleged that on the relevant evening, the accused
persons intruded into the house and assaulted the family members,
committed loot and forcibly kidnapped his married daughter
namely Komal Devi. On retrieval, Komal Devi made statement
under Section 164 Cr.P.C. in which she has supported the
allegation of kidnapping/abduction by the accused persons
including the petitioners herein.

Contention of the petitioners is that there is delay of more than 03 days in lodging the case. It does not appear to reason that entire family members will commit the offence in the manner alleged in the F.I.R. One co-accused of this case has been released on regular bail.

Mr. Dayal, APP, opposed the prayer and submitted that in course of investigation, several witnesses have supported the prosecution case. The victim girl in her statement under Section 164 Cr.P.C. has also supported the allegation.

Considering the facts and circumstances of the case, I am not inclined to extend the privilege of anticipatory bail to the petitioners.

Prayer is accordingly rejected. Petitioners may surrender and prayer for regular bail which shall be considered on its own merit uninfluenced by the present order.

(Kishore Kumar Mandal, J)

Pankaj/-

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