

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.37703 of 2016**

Arising Out of PS.Case No. -279 Year- 2015 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. Bhikhari Rai Son of Late Saryug Rai Resident of Village - Phulwaria,  
P.S. - Mahua, District - Vaishali.

.... .... Petitioner/s

Versus

1. The State of Bihar.

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

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**Appearance :**

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s : Mr. M. Dayal, APP

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

2      05-10-2016

Heard the Counsel for the petitioner and Mr. M.

Dayal, APP for the State.

The petitioner is facing accusation punishable under Sections 366, 364 and 34 of the Indian Penal Code vide Mahua P.S. Case No. 279 of 2015.

The allegation is that this petitioner, along with other family members, kidnapped/abducted the wife of the informant. The F.I.R. was lodged after one month. The victim (wife) appeared before the learned Magistrate and made statement under Section 164 Cr.P.C. wherein it is stated that she, on her own freewill, deserted the house of her husband and was to commit suicide but was saved by the family of the petitioner whereafter she started living in the house of the petitioner and subsequently on her own freewill married him.

Looking to the statement of the victim and the fact that the petitioner has no criminal antecedent, I am inclined to extend him privilege of anticipatory bail.

In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in Mahua P.S. Case No. 279 of 2015 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 petitioner.

(ii) In case of framing of charge, the petitioner 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 petitioner and secure his arrest in accordance with law.

**(Kishore Kumar Mandal, J)**

Pankaj/-

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