

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24747 of 2016

Arising Out of PS.Case No. -31 Year- 2016 Thana -BAJPATTI District- SITAMARHI

1. Bharat Sah
2. Ashok Sah
3. Devendra Sah
4. Virendra Sah
All Sons of Bhola Sah
5. Naresh Sah Son of Virendra Sah
All resident of Village- Balbhiswa, PS BajPatti, District Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Durgesh Nandan(App)

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER**

3 21-06-2016 The certified copy of the First Information Report of Bajpatti Police Station Case No. 31 of 2016 has been filed on behalf of the petitioners, let the same be kept on record.

Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Bajpatti Police Station Case No. 31 of 2016, disclosing offences under Sections 364 and 365/34 of the Indian Penal Code.

From the First Information Report, it appears that it has been alleged that the son of the informant was

missing since 21.02.2016 and in course of search, the informant learnt, on 01.03.2016, that his son was kidnapped by the persons named in the First Information Report, who are petitioners in this case. The First Information Report came to be registered on 05.03.2016.

Learned Counsel appearing on behalf of the petitioners has submitted that prior to institution of the present case, the daughter of the petitioner no. 1 had filed a complaint case on 02.03.2016 on the basis of which, a First Information Report was registered, vide Bajpatti Police Station Case No. 35 of 2016, on 10.03.2016, making allegation of kidnapping and rape. He has, accordingly submitted that the present First Information Report has been lodged out of vengeance and retaliation. It has been stated in paragraph 3 of this application that the petitioners have no criminal antecedents.

Considering the submissions, as above, this application is allowed.

Let the petitioners, namely, Bharat Sah, Ashok Sah, Devendra Sah, Virendra Sah and Naresh Sah, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Shri

Jai Prakash Kisku, Judicial Magistrate, 1st Class, Pupri, at Sitamarhi, in connection with Bajpatti Police Station Case No. 31 of 2016, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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