

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38424 of 2015

Arising Out of PS.Case No. -106 Year- 2015 Thana -SUPAUL District- SUPAUL

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1. Shivnandan Yadav, Son of Sri Yugat Yadav,
 2. Punam Devi, Wife of Shivnandan Yadav,
 3. Rajkishore Yadav,
 4. Chandrakishore Yadav, Both sons of Shivnandan Yadav, resident of village - Basbitti Tola - Bhurahi, Police Station & District - Supaul.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun, Advocate
For the Opposite Party : Mr.Madhav Jha, Advocate
For the State : Mrs. Madhuri Lata, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

3 11-02-2016 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out
of Supaul P.S. Case No. 106 of 2015, disclosing offences under
Sections 366A/34 of the Indian Penal Code.

Learned counsel appearing on behalf of the informant
has produced before me a copy of the statement of the victim girl
recorded under Section 164 of the Cr.P.C. in order to contend that
the accused persons were involved in kidnapping the said victim
girl.

Learned counsel appearing on behalf of the petitioners,

on the other hand, contends that the story as narrated by the victim girl under Section 164 of the Cr.P.C. is highly improbable. He contends that it cannot be ordinarily believed that all members of the same family would jointly indulge in such deed as alleged in the statement made under Section 164 of the Cr.P.C. He further submits that in any event, there is no allegation, even in the statement of the victim girl against the petitioner no. 1. He further submits that petitioner no. 2 being lady, no tangible purpose would be served, if she is taken into custody in connection with the present case as there is no chance of her tampering with the evidence or fleeing from the course of trial.

Upon perusal of the First Information Report and the statement of the victim girl recorded under Section 164 of the Cr.P.C., I find that there are certain specific allegations against the petitioners no. 3 and 4 of commission of offence.

Considering the said fact, I am not inclined to grant anticipatory bail to petitioners no. 3 and 4 and accordingly, their application for anticipatory bail is hereby rejected.

Petitioners No. 3 and 4 are directed to surrender before the court below within six weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered on its own merit without being prejudiced by

rejection of present application for grant of anticipatory bail.

So far as the petitioners no. 1 and 2 are concerned, their application is allowed, considering the submissions made on behalf of the petitioners as noted above.

Let the petitioners no. 1 and 2, namely, Shivnandan Yadav and Punam Devi, 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 106 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the said petitioners No. 1 and 2 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)

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