

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51221 of 2016

Arising Out of PS.Case No. -389 Year- 2015 Thana -HAJIPUR SADAR District-
VAISHALI(HAJIPUR)

- =====
1. Mithilesh Thakur, S/o Bhageran Thakur,
 2. Bhageran Thakur, S/o Late Sharbhu Thakur, Both resident of Village- Patilihi, P.S.- Hajipur Sadar, Distt- Vaishali.
 3. Prem Kumar Prabhakar, S/o Late Nemulal Thakur,
 4. Hemlata Prabhakar, W/o Prem Kumar Prabhakar, Both resident of Village- Badanpur, P.S.- Mahua, Distt- Vaishali.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Arun Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-12-2016 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Hajipur Sadar P.S. Case No. 389 of 2015 for the offences instituted under Sections 366(a), 365 and 120B/34 of the Indian Penal Code.

The allegation against the petitioners is of committing abduction of the sister of the informant and further the informant suspected that the petitioners might have sold his sister to anyone.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no



allegation of tampering of witnesses alleged against the petitioners. They have falsely been implicated in the present case. The victim has been recovered. Her statement under Section 164 Cr.P.C. has been recorded. There is no inducement or any sexual or physical abuse alleged against the petitioners. It is further submitted that the petitioner no.4 is a lady and the petitioner no.2 is not named in the F.I.R.

On behalf of the State, it has been submitted that the petitioner no.1 and 2 are named in the F.I.R. As far as the 164 Cr.P.C. statement of victim is concerned, she has not named the petitioner no.2.

Considering the aforesaid facts and circumstances, since the victim has not named the petitioner no.2 and the petitioner no.4 being a lady, let the petitioner no.2 and 4, above named be released on anticipatory bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today, in connection with Hajipur Sadar P.S. Case No. 389 of 2015 on furnishing bail bonds of Rs. 10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.



So far as the petitioner no.1 and 3 are concerned, I am not inclined to extend the privilege of anticipatory bail to them. Prayer for anticipatory bail of petitioner no.1 and 3 is rejected.

Anyhow if the petitioner no.1 and 3 surrender in the court below within a period of six weeks from today, the same shall be considered on its own merit without being prejudiced by this order.

(Sudhir Singh, J.)

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