

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19069 of 2016

Arising Out of PS.Case No. -80 Year- 2015 Thana -BARGANIA District- SITAMARHI

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1. Mukesh Kumar @ Mukesh Kumar Rai Son of Late Hemchand Rai,
2. Rupesh Kumar Rai @ Rupesh Kumar Son of Late Hemchand Rai @
Late Homan Rai,
3. Pramod Yadav @ Pramod Rai, Son of Ramdev Rai,
4. Lalbabu Rai,
5. Lal Bihari Rai,
6. Shivnath Rai, 4 to 6 are sons of Ramdev Rai, All are resident of village -
Parsauni, Police Station - Birganja, District - Sitamarhi.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Anil Kumar

For the Opposite Party/s : Mr. Suresh Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 11-05-2016

Heard learned counsel for the petitioners and the learned

Addl. Public Prosecutor, appearing on behalf of the State.

This application for grant of anticipatory bail arises out of Bairganja P.S.Case No. 80/2015, disclosing offences under sections 363, 366, 366A and 34 of the Indian Penal Code.

The informant's daughter went missing on 6.5.2015. The First Information Report came to be registered on 17.5.2015 with an allegation that the co-accused Rakesh Kumar Rai used to tell him that he would kidnap his daughter.

Learned counsel for the petitioners has drawn my attention to an affidavit sworn by the said daughter of the informant, wherein she has stated that she got married with the

said Rakesh Kumar Rai out of her own freewill.

It is submitted by the learned counsel for the petitioners that petitioners no. 1 and 2 are younger brothers of the said Rakesh Kumar Rai, whereas petitioners no. 3 to 6 are his maternal uncles. It has been submitted that the present petitioners have been maliciously implicated in the present case.

Considering the submissions so advanced on behalf of the petitioners and the nature of accusation made in the F.I.R., this application is allowed.

Let the petitioners, abovenamed, in the event of their arrest/ surrender before the court below within six weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in Bairgania P.S.Case No. 80/2015, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

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)

Surendra/-

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