

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36781 of 2016

Arising Out of PS.Case No. -32 Year- 2015 Thana -KAUAKOL District- NAWADA

- =====
1. Sudhir Yadav Son of Kaleshwar Yadav, Resident of Village- Hilsa, Police Station-Chandradeep , District- Jamui.
 2. Makeshwar Yadav Son of Baso Yadav, Resident of Village- Bhandari, West Tola, P.S- Kawakol, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh

For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

2 06-09-2016 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Kawakol Police Station Case No. 32 of 2015, disclosing offences under Sections 364/120B/34 of the Indian Penal Code.

The petitioners are not named in the First Information Report. Their names surfaced in course of investigation inasmuch as one Gorelal Yadav, in his confessional statement made before the Police, disclosed involvement of the present petitioners.

Learned Counsel appearing on behalf of the petitioners has submitted that even the victim had not disclosed the names of these petitioners in his statement recorded under Section 164 of the Code of Criminal

Procedure, 1973. He has also submitted that since the petitioners have no criminal antecedent, they may be allowed the benefit of anticipatory bail.

I am not convinced with the submissions advanced on behalf of the petitioners considering the gravity of the offence alleged. In the facts and circumstances, the petitioners' custodial interrogation by the police may be needed. Further, the victim, in his statement under Section 164 of the Code of Criminal Procedure, 1973, has supported the case of kidnapping.

Considering the above, I am not inclined to grant the petitioner privilege of anticipatory bail.

This application for anticipatory bail, is hereby, rejected.

The petitioners, namely, Sudhir Yadav and Makeswar Yadav, are directed to surrender before the Court below within a period of four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

(Chakradhari Sharan Singh, J.)

Prabhakar Anand/-

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