

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.44000 of 2016**

Arising Out of PS.Case No. -151 Year- 2016 Thana -DHAMDAHA District- PURNIA

- =====
1. Rupesh Kumar @ Rupesh Kumar Sah
  2. Pappu Kumar @ Pappu Kumar Sah
  3. Navin Kumar @ Navin Kumar Sah All s/o Mahendra Narain Sah, r/o - Vill - Dhamdaha North, P.S. - Dhamdaha, Distt. - Purnea.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate

For the Opposite Party/s : Mr. R.B. Roy Raman, APP

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

3      22-11-2016      Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 366(A)/34 of the Indian Penal Code.

Allegation is that the accused persons including the petitioners have kidnapped the daughter of the informant.

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. The petitioners have falsely been implicated in the present case. The main allegation is against Vishal Sah, who is said to have forcibly married the victim. The victim has been

examined under Section 164 Cr.P.C. where she has made no allegation against the petitioner nos.2 and 3. As far as the petitioner no.1 is concerned, no allegation of inducement or physical assault has been made.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. and victim girl in her statement has taken the name of petitioner No.1.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioner No.1. Prayer for anticipatory bail of petitioner No.1 is rejected.

Anyhow if the petitioner No.1 surrenders 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.

As far as petitioner Nos.2 and 3 are concerned, let the petitioner Nos.2 and 3, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail 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., Purnea in connection with Dhamdaha P.S. case No.151 of

2016, subject to the conditions as laid down under Section 438(2)  
of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

Narendra/-

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