

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17731 of 2016

Arising Out of PS.Case No. -40 Year- 2015 Thana -AMBA District- AURANGABAD

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1. Pradeep Singh son of Shri Sheo Pujan Singh
2. Sonal Kumar @ Sonal Kumar Singh son of Pradeep Singh Both resident
of Village- Baliya, P.S.- Amba, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. T.N.Singh, Advocate.

For the Opposite Party/s : Mr. Manoj Kumar 1 (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 21-06-2016 Heard learned counsel for the petitioners as well as

learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in
Amba P.S.Case No.40 of 2015 for the offences under Sections 366
(A), 376 (D), 174, A of the I.P.C. and 4 of POCSO Act.

Petitioner no.1 is the father of petitioner no.2.

Learned counsel for the petitioners submits that so
far as petitioner no.1 is concerned, there is no allegation against
this petitioner of having kidnapped the victim girl. It is further
submitted that final form has already been submitted and with
regard to him case has been found to be untrue. He further submits
that there is no allegation of kidnapping against the petitioner
no.1.

So far as petitioner no.2 is concerned, it appears that the victim girl herself in her statement made under Section 164 Cr.P.C. has specifically named petitioner no.2 as the person who had kidnapped her.

Considering the facts and circumstances of the case, let the petitioner no.1, above named, in the event of his arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of the C.J.M., Aurangabad, in Amba P.S. Case No.40 of 2015 subject to the conditions as laid down under Section 438(2) of Cr.P.C.

So far as petitioner no.2 is concerned, in view of the statement of the victim girl itself, I am not inclined to grant anticipatory bail. It is, accordingly, rejected.

However, in case petitioner no.2 surrenders before the court below within four weeks from today, his case shall be considered on its own merit without being prejudiced by this order.

(Anjana Mishra, J)

AnilKrSinha/-

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