

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47764 of 2016

Arising Out of PS.Case No. -443 Year- 2015 Thana -NARPATGANJ District- ARRARIA

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1. Surendra Yadav @ Suren Yadav son of Sobodh Yadav, resident of Village- Palasi,
2. Ajay Yadav son of Brahmdeo Yadav, resident of Village- Khaira Koshakapur, both Police Station- Narpatganj, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL ORDER

2 19-11-2016 Heard the Counsel for the petitioners and Mr. M. Dayal, APP for the State.

Petitioners, apprehending their arrest in Narpatganj P.S. Case No. 443 of 2015 registered under Sections 363, 366(A)/34 of the Indian Penal Code, have prayed for grant of anticipatory bail.

The father of the victim girl lodged the case alleging that his minor daughter was kidnapped by one Binod Yadav with the support of the petitioners and others. The victim girl appeared and made statement under Section 164 Cr.P.C. (Annexure-2) wherein it has been stated that on her own freewill, she married co-accused Binod Yadav and is living with him happily as his

wife. The Court below assessed her age as 19 years and the girl also disclosed her age as 19 years. The medical assessment of the age found her between 17-18 years.

Contention of the petitioners is that the girl is major or at least attained the age of understanding. Considering her statement made under section 164 Cr.P.C., co-accused Suman Yadav has been granted anticipatory bail vide order dated 19.09.2016 passed in Cr. Misc. No. 39834 of 2016.

In the event of arrest or surrender in the Court below within four weeks, the petitioners abovenamed are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in Narpatganj P.S. Case No. 443 of 2015 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioners.

(ii) In case of framing of charge, the petitioners shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to

cancel the bail bond of the petitioners and secure their arrest in
accordance with law.

Pankaj/-

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(Kishore Kumar Mandal, J)

