

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38217 of 2016

Arising Out of PS.Case No. -131 Year- 2014 Thana -TARIYANI CHOWK District- SHEOHAR

- =====
1. Ram Ishwar Rai Son of Aash Babu Rai
 2. Aash Babu Rai Son of Jagat Rai, Both resident of Village- Lohsurka, P.S.- Tariyani, District- Sheohar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate

For the Opposite Party/s : Smt. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-11-2016 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in Tariyani P.S. case No.131 of 2014 registered under Sections 363/366/34 of the Indian Penal Code, pending before the court of A.C.J.M., Sheohar.

Allegation is that the accused persons including the petitioners have abducted and enticed away the wife of the younger brother of the informant for the purpose of solemnization of marriage along with younger brother's son.

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 due to dirty village politics. The fact is that the victim has been married to the petitioner No.1. From perusal of the order of the Sessions Court, it is evident that the photo copy of the affidavit-cum-declaration of the aforesaid marriage was produced before the court below.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R. Specific allegation has been made against the petitioners. The victim girl has been examined under Section 164 Cr.P.C. where she has made specific allegation against the petitioners. The witnesses in paragraphs 9, 10 and 11 of the case diary also support the allegations made in the F.I.R.

Considering the aforesaid facts and circumstances, I am not inclined to extend the privilege of anticipatory bail to the petitioners. Prayer for anticipatory bail is rejected.

Anyhow if the petitioners surrender 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.

(Sudhir Singh, J)

Narendra/-

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