

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48196 of 2017

Arising Out of PS. Case No.-17 Year-2017 Thana- BAUNSI District- Araria

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1. Arjun Singh
 2. Rupesh Singh, Both Sons of Makeswar Singh, Resident of Village- Mirzapur, P.S.- Bousi, District- Araria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-10-2017 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363 and 366A/34 of the Indian Penal Code.

The prosecution case, as per the written report submitted by Munni Khatoon, is to the effect that on 23.02.2017 at 4 PM, the informant along with her two daughters, Tofa Nag and Rani Parwin were returning from Araria market. On the way, co-accused Ramanand Singh, petitioner no.1, Arjun Singh and petitioner no.2, Rupesh Singh stepped down from the vehicle and stopped the auto rickshaw, on which the informant and her daughters were travelling, and on gun point, they abducted the daughter of the informant, Rani Parwin. The informant along



with her other daughter Tofa Nag went to the house of Ramanand Singh, where co-accused Krityanand Singh @ Nathu, Shambhu Singh, Santosh Singh and Makeshar Singh were present, who forbade the informant from lodging any case and assured to get her daughter back within two days. On 25.02.2017, the informant along with Saheb and Zahir went to the house of Ramanand Singh and asked for handing over her daughter, when co-accused Shambhu Singh, Santosh Singh, Krityanand Singh @ Nattu Singh became furious and after abusing them, drove them out of the house. Ultimately, written report was submitted on 26.02.2017, leading to registration of the present case.

It is submitted by learned counsel for the petitioners that in 164 Cr. P.C. statement, the victim got her age recorded as 16 years, whereas the court also assessed her age as such. Though, the victim named the petitioners in her 164 Cr. P.C., statement, but considering the improbabilities of the offence, the father of the petitioners, Makeswar Singh, who was also named in the FIR as well in 164 Cr. P.C., statement of the victim, has been granted anticipatory bail by a co-ordinate Bench of this Court, vide Cr. Misc. No. 19354 of 2017. Subsequently, co-accused Krityanand @ Nattu Singh (who was also named by the victim



in her 164 Cr. P.C. statement), Shambhu Singh and Santosh Singh, against whom, it is alleged that they threatened and forbade the informant from lodging the case, have been granted anticipatory bail vide Cr. Misc. No. 27025 of 2017.

It is further submitted that on conclusion of the investigation, final form (chargesheet) was submitted, vide Final Report No. 36 of 2017 only against Ramanand Singh and petitioners were not sent up for trial, but differing with the final form, cognizance has been taken against the petitioners also. A statement has been made in paragraph no.3 that apart from present case, the petitioners are accused in one other case of petty offence.

Considering the the improbabilities of the accusation and the fact that other similarly situated accused persons have been granted anticipatory bail by different Benches of this Court and on conclusion of investigation, the petitioners were not sent up for trial, let the above named petitioners be released on anticipatory bail, in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing the bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-VI, Araria, in connection with Bousi P.S. Case



No. 17 of 2017, subject to the condition as laid down under
Section 438 (2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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