

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6158 of 2017

Arising Out of PS.Case No. -63 Year- 2016 Thana -BASNAHI District- SAHARSA

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1. Suresh Mukhia, S/o Late Kailu Mukhia,
 2. Babita Devi, W/o Suresh Mukhia,
 3. Chaman Mukhia, S/o Suresh Mukhia, All are resident of Village-Badgaon, P.S.- Basnahi, Dist- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Goutam

For the Opposite Party/s : Mr. Sri Arbind Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 20-02-2017

Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Basnahi P.S. Case No. 63 of 2016 instituted for the offence under Section(s) 366(A)/34 of the Indian Penal Code.

It is alleged that while the informant was not present in the house, co-accused Babita Devi came in the courtyard and took the daughter of the informant namely Nikki Kumari aged about twelve years. When Nikki Kumari did not return to the house, the informant enquired when his son informed that Babita Devi took Nikki Kumari with her. The informant searched his daughter but no trace of his daughter was found.

The victim girl was recovered and she gave her



164 Cr.P.C statement where the victim girl has levelled specific allegations against petitioner Nos. 1 and 2. The court has assessed the age of the victim girl as twelve years.

Since there are serious and specific allegations against the petitioner Nos. 1 and 2, this Court is not inclined to enlarge them on anticipatory bail. The prayer of the petitioner Nos. 1 and 2 for anticipatory bail is rejected.

So far as petitioner No. 3 is concerned, there is no specific allegation in the written report nor the victim in her 164 Cr.P.C statement has alleged anything against petitioner No. 3. Hence, in the facts and circumstances of the case, the prayer of the petitioner No. 3 for anticipatory bail is allowed. In the event of surrender/arrest of the petitioner No. 3, named above, within six weeks from today in connection with Basnahi P.S. Case No. 63 of 2016, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Saharsa, subject to the conditions as laid down under Section 438(2) of Cr.P.C.

(Sanjay Priya, J)

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