

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33880 of 2017

Arising Out of PS.Case No. -787 Year- 2015 Thana -BIHTA District- PATNA

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1. Mundrika Rai @ Munarika Rai,(Aged about 70 Years) Son of Late Prahlad Rai.
 2. Baiju Rai @ Baiju Prasad Son of Kalika Rai, Both are Resident of Village- Dumariya, P.S.- Bihta, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Md. Helal Ahmad

For the Opposite Party/s : Smt Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

- 2 20-07-2017 This application is for grant of pre-arrest bail in connection with Bihta P.S. Case No. 787 of 2015 registered for the offence(s) under section(s) 363, 364/34 of the Indian Penal Code.

Allegation against the petitioners is that they along with other accused persons kidnapped the victim boy and assaulted him.

Submission of the learned counsel for the petitioners is that prior to filing of the present case, earlier a case has been filed by the villagers against the informant side and due to that the present case has been filed against the petitioners. Further submission is that other co-accused have been given privilege of anticipatory bail by the Court below itself.



Heard learned Public Prosecutor also.

Having heard both sides and from perusal of the impugned order it appears that the Court below has rejected the bail of the petitioners on the ground that in the statement of the victim recorded under section 164 of the Criminal Procedure Code the petitioners are named and allegation has been made against them.

In such view of the matter, I am not inclined to grant privilege of anticipatory bail to the petitioner.

Let the appellants surrender before the court below and make prayer for regular bail, which will be considered by the concerned Court. The learned Court after considering the submission as stated above and the materials available on record, will pass an appropriate order, if possible on the same day, without being prejudiced by the order of this Court.

With the above observation/direction, this application is disposed of.

(Vinod Kumar Sinha, J)

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