

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47263 of 2017

Arising Out of PS.Case No. -878 Year- 2016 Thana -SAHARSA District- SAHARSA

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1. Shivnath Jha @ Chhotku, Son of Surendra Jha,
2. Sanatan Roy, Son of Braham Roy
Both resident of Village- Hatbaria, P.S.- Pipra, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 12-10-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Saharsa Sadar P.S. Case No. 878 of 2016 instituted for the offence under Sections 363, 366A, 366 and 34 of the Indian Penal Code.

It is alleged in the complaint petition that daughter of the complainant had gone to consult Dr. Sunita Thakur and she did not return to her home. The complainant started searching her daughter and learnt that petitioners have hatched conspiracy and kidnapped the daughter of the complainant.

Learned counsel for the petitioner has submitted that victim girl has affair with one Jyoti Kumar and she has filed case against said Jyoti Kumar vide Saharsa Sadar P.S. Case No. 698 of



2013 which was disposed off on the basis of statement of victim girl in favour of Jyoti Kumar under Section 164 Cr. P.C. The police submitted Final Form in that case. As per complaint petition which was sent to Police Station under Section 156(3) Cr. P.C., the accused persons namely, Jyoti Kumar, Deepak Kumar and Digambar Kumar always used to tease her daughter either when she used to visit somewhere or on her mobile phone.

In the written report general and omnibus allegation has been made by the informant against the petitioners.

Learned counsel for the informant has appeared and submitted that regular bail of some of the co-accused persons have been rejected by coordinate Bench of this Court vide Cr. Misc. No. 39980 of 2017.

Considering the facts that there is no specific allegation of overt act against the petitioners, the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Saharsa Sadar P.S. Case No. 878 of 2016, they shall 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, Saharsa, subject to the conditions as laid down under



Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

S.Ali/-

(Sanjay Priya, J)

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