

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54044 of 2016

Arising Out of PS.Case No. -189 Year- 2016 Thana -SAKRA District- MUZAFFARPUR

- =====
1. Ramnath Prasad
 2. Amar Nath Prasad Both Sons of Sri Ramdayal Mahto Resident of Village- Mahdadipur, PS. Sakra, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Anand

For the Opposite Party/s : Mr. Sri Surendra Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 14-02-2017 Heard the learned counsel for the petitioners as well as the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Sakra P.S. Case No. 189 of 2016 for the offences punishable under sections 364, 34 and 120 (B) of the I.P.C.

Allegedly, the petitioners kidnapped Devki Devi, the wife of the informant, and the occurrence was caused to compromise the case. During investigation the victim was recovered and her statement has also been recorded under section 164 of the Cr.P.C. wherein she has named the petitioners regarding their involvement in her kidnapping, vide paragraph-40 of the case diary.

Submission is of false implication and that the



petitioners have been made victim of the circumstances, due to dispute they have been implicated, no harm has been caused to the victim, the petitioners are full brothers of the informant and due to the land dispute going on the instant case has been filed only with a view to put pressure and as such the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioners by submitting that the names of the petitioners have been taken by the victim in her statement recorded under section 164 of the Cr.P.C and further the petitioner Amar Nath Prasad asked her for withdrawal of the case and thereafter took her L.T.I. on the stamp paper.

In the facts and circumstances as stated above, considering that the names of the petitioners were taken by the victim in her statement recorded under section 164 of the Cr.P.C and as such I am not inclined to grant privilege of pre-arrest bail to the petitioners and accordingly their such prayer stands rejected in connection with the aforementioned case pending in the court of A.C.J.M. –Cum- Sub. Judge-XIII, Muzaffarpur.

(Jitendra Mohan Sharma, J)

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