

Arising Out of PS.Case No. -252 Year- 2016 Thana -KHAGARIA District- KHAGARIA

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- All sons of Bishundeo Dass

All resident of Village- Durgapur, P.S. Muffasil, District- Khagaria.

.... Petitioner/s

The State of Bihar

.... Opposite Party/s

For the Petitioner/s : Mr. Brajesh Kumar Pandey

For the Opposite Party/s : Mr. Sri Amrendra Prasad

ORAL ORDER

4 23-01-2017

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 Khagaria (Muffasil) P.S. Case No. 252 of 2016 for the offences punishable under sections 341, 323, 354 and 366A/34 of the I.P.C.

Allegedly, when the informant and her daughter were waiting for vehicle at Bishwakarma Temple on N.H. 31 to go to Khagaria market the accused persons including the petitioners armed with pistol came there, terrified them and kidnapped the



daughter of the informant and got the daughter of the informant seated in the jeep. The informant tried to save her daughter but the accused persons assaulted her with the butt of weapon, thrown her down and fled away by vehicle towards north side.

Submission is of false implication and that the petitioners have got no criminal antecedents, both parties are resident of same village and the daughter of the informant is married one, the daughter of the informant did not want to live with her husband and from there she has fled away and she had gone out of her own sweet will with any one and the informant has lodged this case falsely, there is land dispute between the parties and as such the petitioners deserve sympathetic consideration as the police inspector during investigation has found the allegation not true, vide annexure to the supplementary affidavit.

The learned A.P.P. opposes prayer for bail by submitting that the petitioners are named in the FIR with specific allegation and the victim is still traceless. It is also submitted that prayer for pre-arrest bail of Mamta Kumari @ Kumari Mamta has also been rejected vide Cr. Misc. No. 40604 of 2016 by another co-ordinate Bench of this Court.

In the facts and circumstances as stated above, I am not inclined to extend privilege of pre-arrest bail to the petitioners



and accordingly their such prayer stands rejected in connection with the above mentioned case pending in the court of C.J.M. Khagaria.

However, if the petitioners surrender and seek regular bail in the court below within a period of eight weeks from today, the same shall be considered on its own merits without being prejudiced by the order of this Court taking into account the submissions made on behalf of the petitioners.

(Jitendra Mohan Sharma, J)

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