

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27133 of 2017

Arising Out of PS.Case No. -42 Year- 2017 Thana -DIGHWARA District- SARAN

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1. Gandhi Prasad , Son of Late Keshwar Prasad,
2. Shashi Kumar Prasad, Son of Gandhi Prasad,
3. Sadanand Prasad, Son of Gandhi Prasad,
All Resident of Village- Uttar Kadna, P.S.- Garkha, District- Saran at
Chapra.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh

For the Opposite Party/s : Mr. Jai Narain Thakur

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 01-07-2017 Heard the parties.

This application, for grant of anticipatory bail,
arises out of Dighwara P.S. Case No. 42 of 2017, disclosing
offences under Section 365 of the Indian Penal Code.

With the allegation that the informant's daughter
was missing from 23.02.2017, the informant lodged an FIR on
24.02.2017 against unknown. The victim returned nearly after
one month, whereafter, her statement was recorded, under



Section 164 of the Cr.P.C., on 20.03.2017. In the said statement, she stated that she was kidnapped by her aunt (Bua). It is alleged that the in-laws of her aunt were insisting her to marry petitioner No. 2, the brother of husband (Dewar) of the victim's aunt. Other family members of petitioner No. 2, namely, Shashi Kumar Prasad, *i.e.*, father (petitioner No. 1) and brother (petitioner No. 3) have also been named in the statement made under Section 164 of the Cr.P.C.

Learned counsel for the petitioners appears to be right in his submission that what has been said in the statement, recorded under Section 164 Cr.P.C., does not inspire confidence.

Considering the facts and circumstances of the case, this application is allowed. Let the petitioner, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of **learned Chief Judicial Magistrate, Saran at Chapra**, in connection with **Dighwara P.S. Case No. 42 of 2017**, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.



This is subject to the condition that the petitioner shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

Praveen-II/-

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