

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5786 of 2018

Arising Out of PS.Case No. -85 Year- 2017 Thana -RISHIUP District- AURANGABAD

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1. Ram Kumar Ram, S/o Harihar Ram,
 2. Dewanti Devi W/o Ram Kumar Ram,
 3. Harihar Ram S/o Late Ramdeo Ram,
 4. Bhikhani Devi W/o Harihar Ram,

All are resident of village- Risiup, P.S.- Risiup, District- Aurangabad.

5. Shankar Deyal Ram @ Shankar Ram S/o Suresh Ram, resident of
village- Pirauta, P.S.- Jamhor, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Leelawati Kumari, Advocate

For the State : Mr. Abhay Kumar-1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 09-02-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Risiup P.S. Case No.85 of 2017 registered under Sections 363 and
366/34 of the Indian Penal Code.

It is submitted on behalf of the petitioners that there is
inordinate and unexplained delay of two months and fourteen days
in institution of the FIR. As a matter of fact, the daughter of the
informant has eloped with co-accused Sheo Kumar and the
petitioners have been implicated in the case merely because they
happen to be brother, 'bhabhi', father, mother and 'mama' of the



co-accused Sheo Kumar. It is further contended that the petitioners have got no criminal antecedent and having got roots in the society, they are not likely to abscond or tamper with the evidence.

Per contra, learned counsel for the State opposing the prayer for grant of pre-arrest bail to the petitioners submitted that the delay caused in institution of the FIR has already been explained as the informant was searching for his missing daughter and when he failed to locate her whereabouts, he went to the police station and instituted the case.

Having regard to the facts and circumstances of the case and the submissions made on behalf of the parties, in the event of arrest or surrender in the court below within six weeks from today, the petitioners are directed to be released on 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 Additional Chief Judicial Magistrate-VIII, Aurangabad in connection with Risiup P.S. Case No.85 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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