

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46641 of 2017

Arising Out of PS. Case No.-389 Year-2015 Thana- HAJIPUR SADAR District- Vaishali

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1. Prem Kumar Prabhakar S/o Late Nemulal Thakur Resident of village- Badanpur, P.S.- Mahua, distt.- Vaishali.
 2. Mithilesh Thakur S/o Bhageran Thakur Resident of village- Patilihi, P.S.- Hajipur Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Shahnawaj S/o Md. Jalalludin Khan, resident of village Patilli, P.S. Sadar, Dist. Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Rajesh Kumar, Advocate
For the State	:	SMT. ANITA KUMARI, APP
For opposite party No.2	:	Mr. Suman Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

- 3 28-02-2018 Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the opposite party No.2.

The petitioners are apprehending their arrest in a case registered under Sections 366(a), 365, 120B/34 of the Indian Penal Code.

Allegation against the petitioners is of committing abduction of the sister of the informant and further the informant suspected that the petitioners might have sold his sister to anyone.

The earlier bail application of the petitioners was rejected by order dated 05.12.2016 vide Cr.Misc.No.51221 of 2016 taking into account the victim had named these petitioners in her



statement recorded under Section 164 Cr.P.C.

This is the second attempt on behalf of the petitioners for grant of anticipatory bail.

Notice was issued upon the opposite party No.2 by order dated 18.10.2017.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The additional fact has been brought on record for consideration of anticipatory bail of the petitioners is that the victim girl along with the informant has filed a petition before the court below vide Annexure-3 to the present application stating that due to mistake of fact, the present prosecution has been instituted. Vide Annexure-4 to the present application, a compromise petition has also been filed before the court below.

Counsel for the opposite party No.2 is present. He does not controvert the aforesaid fact as submitted by the counsel for the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of



Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali in connection with Hajipur Sadar P.S. case No.389 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

Narendra/-

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