

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28679 of 2018

Arising Out of PS.Case No. -18 Year- 2018 Thana -PATORI
District- SAMASTIPUR

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Pramila Kumari, W/o Krishna Chandra Kumar, R/o Vill. and
Post-Bahadurpur, Patori, P.S.-Patori, District-Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shashi Bhushan Yadav, S/o Pahlad Yadav
3. Ravi Shankar @ Gopi, S/o Subodh Kumar Singh
4. Sonu Raj @ Sonu Kumar, S/o Suresh Rai.

All resident of Vill. and Post-Shahpur Undi, P.S.-Patori,
District-Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s :Mr. Madan Pd. Singh-No.2, Adv.

For the Opposite Party/s:Mr. Ashok Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 09-05-2018 The petitioner seeks cancellation of anticipatory
bail of opposite party Nos. 2 to 4, which was granted to them
by order dated 24.03.2018, passed by the learned Sessions
Judge, Samastipur in connection with Patori P.S. Case No. 18
of 2018, instituted for the offences punishable under Sections
363 and 366(A)/34 of the Indian Penal Code.

The learned counsel for the petitioner submits



that despite the Court below knowing the fact that his daughter has not yet been recovered, anticipatory bail was granted to the opposite party Nos. 2 to 4 on the slender ground that during the course of investigation, nothing concrete could be collected against the opposite parties.

From the First Information Report, it appears that 17 years old daughter of the informant/petitioner had gone out of the house, but she never came back. Later, the informant/petitioner came to learn that one Raj Kamal @ Raja had taken his daughter on a motorcycle towards some unknown destination. On such information having been provided to the informant/petitioner, she approached opposite party No. 2, who is the father of the aforesaid Raj Kamal @ Raja and asked him to intervene in the matter. The opposite party No. 2 is said to have tried contacting his son on mobile telephone, but the same was found to be switched off. It has then been alleged by the informant/petitioner that instead of helping her and facilitating the recovery of her daughter, the opposite party No. 2 and others, who are the friends of aforesaid Raj Kamal @ Raja, only dared the informant/petitioner to go to any forum she desired to.

On the basis of the aforesaid written report, a case *vide* Patori P.S. Case No. 8 of 2018 was instituted for investigation.



From the perusal of the order impugned, it appears that the Court below granted bail to the opposite party Nos. 2 to 4 on the ground that the during the course of investigation, nothing could be collected against the opposite parties with regard to their specific role in the act of kidnapping. In fact, the entries in the case diary revealed that the victim girl was 18 years of age in accordance with her school certificate where her date of birth is recorded as 28.07.2000 and the victim girl had also sent a registered envelope which contained some photographs revealing that she had married aforesaid Raj Kamal @ Raja at Vidyapati Dham.

Considering the aforesaid aspects, *viz.* the lack of materials against the opposite parties and taking into account that one of the opposite parties is the father of the main accused, whereas the others are his friends, the Court below has granted anticipatory bail to them.

Mr. Madan Prasad Singh, learned Advocate for the petitioner, has also informed this Court that he has filed a criminal writ before this Court *vide* Cr.W.J.C. No. 848 of 2018 for recovery of her daughter, but to no avail.

True it is that the daughter of the informant/petitioner has not yet been recovered, but anticipatory bail was granted to the opposite parties on the



ground of their not having involved themselves in the kidnapping of the daughter of the informant/petitioner.

There is no reason why this Court should interfere with the order impugned.

The petition is, thus, dismissed.

(Ashutosh Kumar, J)

Praveen-II/-

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