

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29996 of 2018

Arising Out of PS. Case No.-84 Year-2017 Thana- SAMASTIPUR District- Samastipur

-
-
1. Gaurav Kumar, S/o Bipin Kumar ,
 2. Sangeeta Devi W/o Bipin Kumar ,
 3. Bipin Kumar S/o Gajendra Prasad Singh,
 4. Raushan Kumar S/o Jitendra Prasad, All Resident of Vill.- Khwazpur, P.S.- Baligaon, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Pintu Kumar S/o Late Krishan Dev Prasad, R/o Village- Khwazpur, P.S.- Baligaon, District- Vaishali, At present R/o Mohalla- Kashipur, Ward No. 5, P.S.- Samastipur Town, District- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 28-06-2018 Heard learned counsel for the petitioners and the State.

The petitioners apprehend arrest in Samastipur (T) P.S. Case No. 84 of 2017 instituted for the offence under Sections 457,380,366/34 of the IPC.

It is alleged in the written report that these petitioners and other accused persons came to the house of the informant and stayed in the night. Thereafter, the informant in the morning found that petitioners and wife of the informant were not present in the house. The informant made search but could not trace his wife and, thereafter, he learnt that petitioner no. 1 has enticed



his wife in collusion with his mother and father of petitioner no. 1.

Learned counsel for the petitioners submits that this is the third case filed by the informant of elopement of his wife. Earlier, informant instituted a case vide Baligaon P.S. Case No. 28 of 2016 against petitioner no. 1 and 3 under Section 366, 498/34 of the IPC in which wife of the informant appeared during investigation and gave statement under Section 164 Cr.P.C., wherein, she has stated that she has left the house due to some tension with her husband (informant). The aforesaid statement recorded in Baligaon P.S. Case No. 28 of 2016 which is enclosed as Annexure 2 Series to this petition.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioners, named above, in the event of their arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each in connection with Samastipur (T) P.S. Case No. 84 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Samastipur subject to condition as laid down u/S 438 (2) of the Cr. P.C. with further conditions (1) (bailors should



be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every dated fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bonds of the petitioners and (3) if the petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

khushbu/-

U		T	
---	--	---	--

