

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46528 of 2018

Arising Out of PS.Case No. -131 Year- 2018 Thana -MASRAKH District- SARAN

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1. Satyendra Sharma, S/o Rabindra Sharma, R/o Darwaa, P.S.- Isuarpur
Gandaman, P.S.- Mashrakh, District- Saran.
2. Kanhaiya Sharma S/o Paras Sharma,
3. Prabhu Sharma S/o Late Ganesh Sharma,
4. Lal Babu Sharma S/o Late Hari Prasad Sharma,
5. Suchit Sharma @ Suchit Kr. Sharma S/o Ramratan Sharma, All R/o
Bibhunpura Hall, Gandaman, P.S.- Mashrakh, Saran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harsh Singh

For the Opposite Party/s : Mr. Smt. Renuka Ratnakar

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 24-08-2018 Heard learned counsel for the petitioners as well as the

State.

The petitioners apprehend their arrest in Mashrakh
P.S. Case No. 131/2018, instituted for the offences punishable
under Sections 363, 366 and 366(A)/34 of the Indian Penal Code.

Learned counsel for the petitioners has submitted that
the instant case has been filed due to land dispute between the
informant and petitioners as informant had filed a Land Dispute
Case No. 19/2011-12, which was heard and rejected by the court
of L.R.D.C., Madhaura, Saran on 15.04.2013, copy of which has
been annexed as Annexure-2 to the bail petition. It is further



submitted that both victim girls on recovery have made their statement under Section 164 Cr.P.C., copy of statement under Section 164 Cr.P.C. has been annexed as Annexure-3 to the bail petition.

From perusal of the statement of victim girls recorded under Section 164 Cr.P.C., it appears that one of the victim girl, namely, Rinku Kumari has stated that accused persons, namely, Satyendra Sharma, Lal Babu and Prabhu Sharma took them to Muzaffarpur and from there to Sitamarhi after kidnapping whereas another victim girl, namely, Rekha Kumari has stated in her statement that the accused persons after kidnapping took them to Patna and from there to Araria. In this manner, there is apparent contradiction in the statement of victim girls.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Mashrakh P.S. Case No. 131/2018, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. VI, Saran at Chapra, subject to the conditions as laid down under Section 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 date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper 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.)

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