

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46478 of 2018

Arising Out of PS.Case No. -85 Year- 2018 Thana -KUTUMBA District- AURANGABAD

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1. Himanshu Shekhar, S/o Arvind Kumar Singh @ Arvind Singh, resident of Village- Karamdih Amarpur, P.S.- Kutumba, District- Aurangabad.
 2. Dhruv Tiwari @ Dhurup Tiwari @ Dhruv Kumar Tiwari, S/o Chhotan Tiwari, resident of Village- Kutumba, P.S.- Kutumba, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate.
Mr. Bhaskar Shankar, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Pd., APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 23-08-2018 Heard learned counsel for the petitioners as well as
the State.

The petitioners apprehend their arrest in Kutumba
P.S. Case No. 85 of 2018, instituted for the offences punishable
under Section 366(A)/34 of the Indian Penal Code.

In the written report, it is alleged that the daughter of
informant, namely, Akriti Kumari, aged about 17 years, had gone
to Amba market along with her grand mother but she went
missing from the market. The informant has raised suspicion that
these petitioners might have kidnapped his daughter. The
statement of the victim girl has been recorded under Section 164



Cr.P.C. wherein she has stated that on the date of occurrence while she had gone to market with her grandmother, both the petitioners forcibly seated her on the motorcycle and took her to Aurangabad Bus Stand and from there they took her to Patna and kept her in a room. In the room, two other boys also came and thereafter they left her in the house of the relative of Himanshu Shekhar. On 04.06.2018, she telephoned to Chandan Singh after coming out from his house and went to Mithapur Bus Stand with him and thereafter she came to Aurangabad. She returned to Aurangabad with Chandan Singh. In her statement, the victim girl has stated her age to be 17 years. The court below has assessed the age of the victim girl to be 17 years.

From the statement of the victim girl recorded under Section 164 Cr.P.C., it appears that neither any force was applied nor any illegal act was done by petitioners with the victim.

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 Kutumba P.S. Case No. 85 of 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



C.J.M., Aurangabad, 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)

Rakhi/Abhijeet-

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