

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23498 of 2018

Arising Out of PS.Case No. -243 Year- 2017 Thana -GARKHA District- SARAN

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1. Surendra Ray, S/o Budhan Ray,
2. Mithun Kumar Ray, S/o Budhan Ray,
3. Gauri Ray, S/o Budhan Ray,
4. Budhan Ray, S/o Late Ramchandra Ray,

All are R/o Vill.- Chainpur, P.S.- Garkha, District- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate.
For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 20-04-2018 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in **Garkha P.S.**
Case No. 243 of 2017 instituted for the offence under Sections
363 and 365 of the Indian Penal Code.

In the written report there is allegation that these
petitioners kidnapped minor daughter of the informant. The
statement of victim girl has been recorded under Section 164 Cr.
P.C. on her recovery wherein she has levelled specific allegation
against Mithun Kumar Ray (petitioner No.2) of committing illegal
act with her.

Therefore, this Court is not inclined to grant



anticipatory bail to petitioner No. 2 namely, Mithun Kumar Ray.

Prayer for anticipatory bail of petitioner No. 2 stands rejected.

So far allegation against petitioner Nos. 1, 3 and 4 are concerned, there is general and omnibus allegation against them and the victim girl in her statement recorded under Section 164 Cr. P.C. has not levelled any specific allegation against them. Therefore, prayer for anticipatory of petitioner Nos. 1, 3 and 4 namely, Surendra Ray, Gauri Ray and Budhan Ray is allowed. In the event of surrender/arrest of the petitioner Nos. 1, 3 and 4, named above, within six weeks from today, in connection with **Garkha P.S. Case No. 243 of 2017**, 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 **learned Additional Chief Judicial Magistrate-Vth, Saran at Chapra**, subject to the conditions as laid down under Section 438 (2) 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 their absence on two consecutive dates without proper and reasonable reason will be liable to cancel their bail



bond 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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