

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26701 of 2018

Arising Out of PS. Case No.-248 Year-2017 Thana- SONBERSA District- Sitamarhi

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1. Janarsi Devi, wife of Lalu Rai.
 2. Lalu Rai, son of Late Anup Rai,
 3. Sajan Kumar, son of Lalu Rai.
- All Resident of Village-Banarjhula, P.S.-Sonbarsa,
District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 03-05-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

In this case, the petitioners are seeking anticipatory
bail in connection with Sonbarsa P.S. Case No.248 of 2017,
registered for the offence punishable under Sections 366 and
366-A of the Indian Penal Code.

Allegation has been made that on allurement of
petitioner no.3, the daughter of the informant had gone with
him, led to lodging of the F.I.R.

Learned counsel for the petitioners submits that the
girl in her statement recorded under Section 164 of the Cr.P.C.
has stated that she has gone to her *Bua's* house voluntarily, but



this fact is not there in the order of the Court below dated 05.04.2018. He has produced the order dated 07.02.2018 passed in the case of Baskit Rai and Ors, where the court below has recorded that the girl in her statement recorded under Section 164 of the Cr.P.C. has stated that she had gone to her *Bua's* house voluntarily, where she stayed for a month and no body has kidnapped her.

Looking to the entire facts and circumstances of the case, let the above-named petitioners, be released on anticipatory bail in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi, in connection with Sonbarsa P.S. Case no.248 of 2017, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure. Further condition is that whenever the police will call the petitioners for the purposes of investigation and interrogation, they will remain present for the investigation. In the event of being absent on two consecutive dates without reasonable explanation, the present order will be treated to have been cancelled. This is also subject to the condition that if the



statement of the girl recorded under Section 164 of the Cr.P.C. is
found to be incorrect, the Court below will not release the
petitioners on anticipatory bail.

(Shivaji Pandey, J)

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