

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 58692 of 2018

Arising Out of PS. Case No.-85 Year-2018 Thana- Guraru District- Gaya

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1. Dhananjay Singh @ Dhananjay Kumar Singh @ Dhananjay Kumar, S/o Ramnand Singh, R/o Vill.- Sondiha, P.S.- Konch, District- Gaya.
 2. Nitish Kumar @ Chhiku @ Chiku S/o Dhananjay Singh @ Dhananjay Kumar Singh @ Dhananjay Kumar, R/o Vill.- Sondiha, P.S.- Konch, District- Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma
		Mr. Rajesh Kumar
For the Opposite Party/s :		Mr. Md. Arif

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 20-09-2018 Heard Sri Rama Kant Sharma, learned senior counsel assisted by Sri Rajesh Kumar, learned counsel for the petitioners and Mr. Md. Arif, learned Addl. Public Prosecutor.

Two petitioners, who are father and elder brother of the main accused, apprehending their arrest in Guraru P.S. Case No. 85 of 2018 registered for offence under Sections 366A/34 of the Indian Penal Code, have prayed for grant of bail in the event of their arrest or surrender.

Learned senior counsel for the petitioners, besides referring to facts disclosed in the F.I.R., has also referred to statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973 (for short “Cr.P.C.”) and submits



that the victim appears to be major, since in her statement recorded under Section 164 Cr.P.C., her age was mentioned as 17 years and she, in her statement recorded under Section 164 Cr.P.C., had categorically stated that she had gone with one Satish (son of petitioner no. 1) from coaching institute firstly to Delhi and thereafter went alongwith Satish to Rajasthan, where she stayed for about 2½ months. He further submits that so far as other allegations, made in the statement of the victim recorded under Section 164 Cr.P.C., are concerned, all those allegations were basically made against Satish, who is son of petitioner no. 1, only certain words were mentioned by the victim, as if, petitioners had asked the victim not to disclose such fact. On aforesaid ground, he has prayed for grant of anticipatory bail.

Mr. Md. Arif, learned Addl. Public Prosecutor has vehemently opposed the prayer for grant of anticipatory bail, however; he was not in a position to explain as to whether there was any fact disclosing involvement of the petitioners in kidnapping or other offence.

Besides hearing, I have also perused the material on record and after going through the same, I am of the opinion that it is a fit case for granting anticipatory bail.



Accordingly, in the event of arrest or surrender within a period of six weeks from today, let aforesaid two petitioners namely Dhananjay Singh @ Dhananjay Kumar Singh @ Dhananjay Kumar and Nitish Kumar @ Chhiku @ Chiku be enlarged on 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 5th Gaya in connection with Guraru P.S. Case No. 85 of 2018 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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