

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.38869 of 2018

Arising Out of PS.Case No. -45 Year- 2015 Thana -DUMRA District- SITAMARHI

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1. Ravi Shankar Mahto, S/o Jageshwar Mahto,
2. Jageshwar Mahto S/o Mithu Mahto,
3. Ram Pari Devi W/o Jageshwar Mahto,
4. Sumitra Devi W/o Ram Achal Mahto, All R/o Vill.- Rikhauli, P.S.- Sitamarhi, Distt.- Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the Opposite Party/s : Mr. Amit Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 09-07-2018

Heard the parties.

The petitioners seek anticipatory bail in connection with Dumra P. S. Case No. 45 of 2015, registered for offences punishable under Sections 363, 366 (A)/34 of the Indian Penal Code.

Allegation as per F.I.R. is that the petitioners and other accused persons under conspiracy with each other have kidnapped the grand daughter of the informant for the purpose of marriage. It is further alleged that the statement of the victim girl has been recorded under Section 164 Cr. P.C., in which, the name of the petitioners has come and on that basis, warrant has also been issued against the petitioners. Earlier, after investigation, final form was submitted against the petitioners and trial was initiated and the witnesses were examined only after one year of the



occurrence.

Submission of the learned counsel for the petitioners is that they have been falsely implicated in this case and only on the basis of statement recorded under Section 164 Cr.P.C., the cognizance has been taken, which is bad in law.

Learned A.P.P. and learned counsel for the informant oppose the prayer for bail.

So far submission of the learned counsel for the petitioners is that cognizance is bad in law, but looking into the fact that the victim lady named these petitioners under Sections 363 and 364 (A)/34 of the Indian Penal Code, I am not inclined to grant anticipatory bail to the petitioners.

Accordingly, prayer for anticipatory bail is rejected with a direction to the petitioners that if the petitioners surrender before the Court below and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by order of this Court.

With the aforesaid observation, this application is dismissed.

(Vinod Kumar Sinha, J)

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