

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17248 of 2019

Arising Out of PS. Case No.-10 Year-2015 Thana- SARIYA District- Muzaffarpur

1. Buni Lal Sah, age 40 years, Male, Son of Late Medan Sah.
2. Nirmala Devi, about 35 years, Female, wife of Buni Lal Sah.
All are resident of Village- Gopidhanwat, P.S.- Sariya Opposite Jaitpur,
District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mani Bhushan Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-04-2019 Heard learned counsel for the petitioners and learned
APP representing the State.

Petitioners are seeking anticipatory bail in connection with Sariya P.S. Case No. 10 of 2015 registered for the offences punishable under Sections 366A, 302, 363, 34 of the Indian Penal Code and Sections 4 and 7 of the POCSO Act.

Learned counsel for the petitioners submits that the petitioners have not played any active role in the matter of kidnapping of the daughter of the informant. It is further submitted that the daughter of the informant was kidnapped on 23.09.2014 but the case was lodged only on 11.01.2015 without giving any explanation for such huge delay. Learned counsel for the petitioners submits that in course of investigation it has transpired that it is a case of love affair for which the parents of the victim



girl had indulged in honor killing.

On the other hand, learned APP for the State has opposed the prayer for bail on the ground inter-alia that the petitioners have already been declared absconder as process under Sections 82 and 83 Cr.P.C have been issued against them. Petitioners have moved this Court only at a belated stage and, thus, this Court is not willing to exercise its power of pre-arrest bail in the facts of the present case.

Having heard learned counsel for the parties and on going through the records, this Court finds that it is his own statement in the application that process under Sections 82 and 83 Cr.P.C. has already been issued against the petitioners. In such circumstance, this Court would not entertain the prayer for anticipatory bail. In case the petitioners surrender and pray for regular bail in the learned Court below within a period of two weeks from today, their prayer for bail shall be considered on its own merit.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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