

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16657 of 2019

Arising Out of PS. Case No.-401 Year-2018 Thana- HARSIDHI District- East Champaran

Nagendra Singh, aged about 30 years, M, S/o Bipin Singh, Resident of Village-Kanchhedwa, Utari Tola, P.S.-Harsidhi, District-East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra

For the Opposite Party/s : Mr.Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-03-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

Petitioner is seeking anticipatory bail in connection with Harsidihi P.S. Case No. 401 of 2018 registered for the offences punishable under Sections 363, 365 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the husband of the informant and this petitioner are the full brothers. Admittedly, they are fighting a Partition Suit No.67 of 2008 for partition of the family property, the case is still pending in the Court of learned Sub-ordinate Judge, Mothiari.

It is submitted that the daughter of the informant had been allegedly kidnapped at Jalandhar by one Ajay @ Chotu for



which a case being P.S. Case No.0001 dated 02.01.2018 has been registered under Sections 363 and 366 (A) of the Indian Penal Code with the concerned police station at Jalandhar. Learned counsel submits that in the aforesaid circumstance, the allegations made at this stage that the daughter of the informant has been taken away by the accused persons and this petitioner had been one of the conspirator of the alleged occurrence dated 22.09.2018 is only false and flimsy allegation.

Learned APP for the State is present and has opposed the prayer for bail.

Considering the facts and circumstances of the case wherein from Annexure '2' it appears that earlier for the alleged kidnapping of the daughter of the informant one F.I.R has been lodged at Jalandhar on 02.01.2018 and now for the same for kidnapping of the same daughter it is alleged that on 22.09.2018 the accused persons had taken her away the petitioner has allegedly conspired, considering the nature of relationship and facts and circumstances, let in case of arrest or surrender of the petitioner within a period of four weeks from today, the abovenamed petitioner is directed to be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) with two sureties of the like amount each to the satisfaction of



the learned C.J.M, Motihari, in connection with Harsidihi P.S.
Case No. 401 of 2018, subject to the condition that petitioner
shall join the investigation by reporting to the Investigating
Officer within a period of two weeks from today and shall
cooperate in course of investigation. This will be in addition to
condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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