

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13331 of 2019

Arising Out of PS. Case No.-250 Year-2018 Thana- WARISNAGAR District- Samastipur

1. Vikash Kumar, Son of Shankar Rai Resident of Village - Dubarbanna, P.S.- Warishnagar, Distt.- Samastipur.
2. Amit Kumar @ Amit Kumar Rai, Son of Madan Rai Resident of Village - Dubarbanna, P.S.- Warishnagar, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-03-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363, 366 and 366A/34 of the IPC.

The prosecution case, as per the written report of Sanjay Kumar Ray, dated 06.09.2018, submitted to the Station House Officer, Waris Nagar Police Station, is to the effect that on 04.09.2018 at about 6 P.M., the daughter of the informant, aged about 15 years, went to the market, but she did not return. During search, the informant came to know that she has been kidnapped by one Pappu Kumar Ray for the purpose of



marriage and his entire family members including the petitioners facilitated the commission of offence.

It is submitted by learned counsel for the petitioners that thrust of accusation is against co-accused Pappu Kumar Ray and his family members. The petitioners are not the family members of co-accused Pappu Kumar Ray. It is further submitted that the victim in her statement, recorded under Section 164 Cr. P.C., has recorded her age as 16 years, though, the learned Court below has not assessed her age, wherein she did not name the petitioners. The petitioners and the informant are resident of same village and the victim is known to the petitioners. Moreover, for the alleged occurrence of 04.09.2018, the FIR was lodged on 06.09.2018. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners are named in the FIR.

Considering the delayed lodging of the FIR and the fact that thrust of accusation is against co-accused Pappu Kumar Ray and the victim did not name the petitioners in her statement recorded under Section 164 Cr. P.C., coupled with the statement made in paragraph no.3 of the petition that the petitioners are



not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Samastipur in connection with Warisnagar P.S. Case No. 250 of 2018, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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