

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17233 of 2019

Arising Out of PS. Case No.-213 Year-2017 Thana- MANIGACHI District- Darbhanga

1. Bhola Yadav Son of Shyam Sundar Yadav
2. Nitesh Kumar Yadav @ Nitesh Yadav Son of Laxmi Yadav
Both Resident of Village - Bidhipur (Ganj), P.S.- Manigachhi, District - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the Opposite Party/s : Mrs.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 29-03-2019 At the outset, learned counsel for the petitioners submits that during the pendency of this application, the petitioner no.2 has already been arrested and hence this application as regards the petitioner no.2 has become infructuous.

Learned counsel has thereafter argued the matter for grant of anticipatory bail to the petitioner no.1 alone.

Heard learned counsel for the petitioner and learned APP representing the State.

Petitioner is seeking anticipatory bail in connection with Manigachhi P.S. Case No.213of 2017 registered for the offences punishable under Sections 363, 366(A) and 120(B)/34



of the Indian Penal Code.

Learned counsel for the petitioner submits that it would appear from the impugned order that the victim girl is living with one Kapil Yadav and had also given birth to a female child and the case has been compromised. It is submitted that in the given facts and circumstances the petitioner may be granted privilege of anticipatory bail.

On the other hand, learned APP for the State submits that the petitioner has actively participated in kidnapping of the victim girl and as such he does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of the case wherein it appears that the name of this petitioner has transpired in 164 Cr.P.C. statement of the victim girl, I am not inclined to grant anticipatory bail to the petitioner. However, taking note of the fact mentioned in the impugned order that the victim girl is living with one Kapil Yadav and has delivered a female child and that she had love affairs with said Kapil Yadav as also that the co-accused Ghuran Yadav has been granted bail, in case he surrenders and prays for regular bail in the court below within a period of four weeks from today, the same shall be considered by the court below keeping in view the aforesaid facts and shall



not reject his prayer for regular bail of the petitioner only because this Court has not extended the privilege of anticipatory bail to him. It will be open for the petitioner to pray for hearing and disposal of the application on the same day.

The application stands disposed off.

(Rajeev Ranjan Prasad, J)

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