

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41959 of 2019

Arising Out of PS. Case No.-171 Year-2018 Thana- TELHARA District- Nalanda

1. BIRENDRA SINGH @ BIRENDRA SHARMA Son of Late Rameshwar Singh Resident of Bitokhari, P.S.- Telhara, District- Nalanda..
2. Raushan Kumar Son of Late Kaushlendra Sharma Resident of Bitokhari, P.S.- Telhara, District- Nalanda..

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rudal Singh, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-08-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are seeking anticipatory bail in connection with Telhara P.S. Case No. 171 of 2018 registered for the offences punishable under Sections 363, 366, 366(A) of the Indian Penal Code.

Learned counsel for the petitioners submits that on perusal of the first information report it would appear that three children who had gone to the village fare in Telhara market had been allegedly abducted/kidnapped by the FIR named accused persons. Name of these petitioners are also mentioned in the FIR.



It is submitted that the three children who had gone missing have come back and they have made their statements under Section 164 Cr.P.C. In their statements under Section 164 Cr.P.C. they have named two boys namely, Sahil and Saket who were allegedly present in the room where the victims were kept. It is submitted that one of the victim is Priti Kumari aged about 21 years as per FIR.

It is submitted that these petitioners are innocent and the whole family have been falsely implicated due to some political rivalry. It is further submitted that the Police had after investigation submitted a report dated 30.11.2018 in which it is clearly stated that the involvement of named accused Birendra Singh and Raushan Kumar could not be found. They were, thus, not sent up for trial but differing with the Police report, learned Magistrate has taken cognizance and issued summons to these petitioners vide order dated 05.01.2019.

Learned APP for the State has opposed the prayer of anticipatory bail, however, considering the facts and circumstances of the case, wherein neither the victims have named these petitioners nor the Police could find any material against these petitioners and they were not sent up for trial, let the petitioners above named in the event of their arrest or



surrender within a period of four weeks from today in connection with Telhara P.S. Case No. 171 of 2018 be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate, Hilsa, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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