

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43135 of 2019

Arising Out of PS. Case No.-69 Year-2018 Thana- SHAMBHUGANJ District- Banka

1. AZAD KUMAR YADAV @ AZAD YADAV Son of Brahmdeo Yadav Resident of Village-Barhi Bhratshilla, Police Station-Shambhuganj, District-Banka.
2. Khusbu Kumari @ Khusbu Devi Wife of Asmiriti Yadav Resident of Village-Barhi Bhratshilla, Police Station-Shambhuganj, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Balram Kapri
For the Opposite Party/s : Mr.Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 13-09-2019 This application, for grant of anticipatory bail, arises out of Shambhuganj P.S. Case No. 69 of 2018, disclosing offences under Sections 366A/34 of the Indian Penal Code.

Prosecution case is that petitioner no. 1 along with other accused persons abducted the minor daughter of the informant for the purpose of marriage, thereafter, her statement under Section 164 Cr.P.C. was recorded and she returned home but again petitioner no. 1 and other abducted the daughter of informant.

Submission of learned counsel for the petitioners is that earlier the statement of girl has been recorded under Section 164 Cr.P.C., which disclosed that she had gone on her own will but later on due to pressure of the family members, she has deposed against the petitioners.



Learned counsel for the State opposed the prayer for bail and submitted that the statement of the victim girl disclosed that earlier on pressure of the accused persons, she has stated before the Magistrate that she had gone on her own sweet will and further disclosed active roles of petitioners.

Having heard both sides, considering the fact that petitioner no. 2 is lady as such, in the event of her arrest or surrender before the court below within six weeks, she is directed to be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 69 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

So far petitioner no. 1 is concerned, I am not inclined to grant him the privilege of anticipatory bail rather he may surrender before the court below and make prayer for regular bail and if any such application is filed, the court below will dispose of the same on the merit of the case, without being prejudiced by this order

This application is accordingly disposed of.

(Vinod Kumar Sinha, J)

sunilkumar/-

U		T	
---	--	---	--

