IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55718 of 2018

Arising Out of PS. Case No.-180 Year-2017 Thana- SHEOHAR District- Sheohar

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1. Chandan Rai, Son of Upendra Rai, Resident of Village- Ukani, P.O.- Chamanpur, P.S.- Sheohar, District Sheohar.
2. Braj Kishor Rai, Son of Upendra Rai, Resident of Village- Ukani, P.O.- Chamanpur, P.S.- Sheohar, District- Sheohar.

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Lakshmi Kant Sharma
For the Opposite Party/s : Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 04-01-2019 Heard learned Counsels for the petitioners and learned APP for the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 365, 366A and 34 of the Indian Penal Code.

The prosecution case as per the written report of Murti Devi submitted to SHO, Sheohar Police Station is to the effect that on 28.09.2017 at 04.00 P.M., the daughter of the informant Ramita Kumari went out on eve of Durga Puja, but she did not return back. Subsequently, on search being made the informant came to know that her daughter has been kidnapped by eight FIR named accused persons including the petitioners for the purpose of marriage.

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It is submitted by learned counsel for the petitioners that for the occurrence of 28.09.2017, the written report was submitted on 11.10.2017. In fact the victim girl eloped with one Biltu Rai, son of Julmi Yadav. The petitioners and their parents have been roped in the present case since they are distantly related with the alleged person Biltu Rai. Though, a co-ordinate Bench of this Court vide order dated 28.09.2017, directed the petitioners to help out the police in tracing the victim girl who is still traceless. On the said direction, information was given to the police that the victim girl is residing with Biltu Rai in Village- Inarawn, P.S.- Bathana, District- Sitamarhi but no effort was made for tracing the victim girl. It is further submitted that the parents of the petitioners, Upendra Rai and Renu Devi have been granted regular bail by a Co-ordinate Bench of this Court vide order dated 21.02.2018 in Cr. Misc. No. 10321 of 2018 whereas the other similarly situated co-accused Tara Devi and Goni Devi have also been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 11.09.2018 in Cr. Misc. No. 54031 of 2018. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent.

Learned counsel for the informant submits that the victim

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girl is still traceless.

Learned APP after going through the case diary submits that the thrust of accusation is against co-accused Biltu Rai who has eloped with the victim girl. However, there is no eye witness to the said occurrence.

Considering the fact that the thrust of accusation is against co-accused Biltu Rai and the similarly situated co-accused have been granted bail by Co-ordinate Benches of this Court, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned **CJM, Sheohar** in connection with **Sheohar P.S. Case No. 180 of 2017**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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