

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71812 of 2018**

Arising Out of PS. Case No.-66 Year-2018 Thana- DIGHALBANK District- Kishanganj

1. Dharamnath Thakur @ Dharm Narayan Thakur Son of Ramhit Thakur, Resident of Village- Lohagara, Police Station- Korhobari, District- Kishangan, at Present Resident of Dighal Bank Bazar, P.S.- Dighalbank, District- Kishanganj.
2. Rajkumar Thakur, Son of Fudan Thakur.
3. Ranjeet Thakur, Son of Fudan Thakur.
4. Badri Thakur @ Badrinath Thakur, Son of Fudan Thakur,
5. Shiv Thakur @ Shiv Kumar Thakur, Son of Fudan Thakur, All are resident of Village- Lohagara, Police Station- Korhobari, District- Kishanganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar

For the Opposite Party/s : Mr.Sri Ajay Kumar Jha

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

4 10-04-2019 Re: Interlocutory Application No. 1 of 2019.

Heard both sides.

By way of Interlocutory Application, Kajal Kumari and accused Devraj Thakur, who is alleged to have kidnapped Kajal Kumari (daughter of informant) seeks police protection to get the statement of Kajal Kumari recorded under Section 164 Cr.P.C. and also prayed that her custody may not be given to her parents or any other family members as she apprehends her life, safety, and security at the hands of her father, brothers and other family members.



Having considered the averments made in interlocutory application as well as the submissions, in my view, such type of application is not maintainable before this Court, however, the girl Kajal Kumari and the accused Devraj Thakur may move before the concerned court below with such a prayer.

Accordingly, I.A. No. 01 of 2019 stands disposed of.

Criminal Miscellaneous No.71812 of 2018

This application, for grant of anticipatory bail, arises out of Dighalbank P.S. Case No. 66/18, disclosing offences under Sections 366A/34 of the Indian Penal Code.

Petitioners no. 1 is father and other petitioners are maternal uncles of co-accused Devraj Thakur against whom there is allegation of kidnapping the minor daughter of the informant.

Submission of learned counsel for the petitioners is that they have falsely been roped in the present case only because petitioner no. 1 happens to be father of co-accused Devraj Thakur and other petitioners happens to be his maternal uncles and except that there is nothing against them and considering the same, petitioners were earlier granted interim protection by a coordinate Bench of this Court vide order dated 09.01.2019.



Heard learned A.P.P. also.

Having heard both sides, considering the submission, as above, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, 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 SDJM, Kishanganj, in connection with Dighalbank P.S. Case No. 66/18, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure. This is further subject to the condition that petitioners shall cooperate in investigation and appear as and when required by the police and they will not tamper with the evidence, otherwise, the prosecution will be at liberty to move for cancellation of bail bonds of the petitioners.

(Vinod Kumar Sinha, J)

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