

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73362 of 2018

Arising Out of PS. Case No.-193 Year-2017 Thana- BIKRAM District- Patna

1. Rajesh Pandit @ Rajesh Kumar
2. Rakesh Kumar @ Rakesh Kumar Pandit, Both Sons of Sita Ram Pandit,
3. Sita Ram Pandit, Son of Late Pahari Pandit, All are resident of Village-Navinagar, P.S.- Dulhin Bazar, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvan Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 07-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 366A IPC registered in connection with Bikram P.S. Case No. 193 of 2017.

3. It is submitted that the petitioners have been falsely implicated on mere suspicion and the accusation that the offence was committed for purpose of marriage of the informant's grand daughter with the petitioner no. 2, who is admittedly already married, is highly improbable. The petitioners claim clean antecedents.

4. Learned APP invites reference to para 44 of the case diary wherein the statement of the victim girl under Section 164 Cr.P.C. has been recorded. She has categorically stated that the petitioner no. 2 had taken her away by train and kept her locked in a room without food for about nine days.

5. Having regard to the nature of accusations and gravity of offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner no. 2. Anticipatory bail petition as against him stands dismissed.



6. As regards, petitioner nos. 1 and 3 considering that the accusations against them in the FIR are general and omnibus in nature and no specific accusation has been made by the victim girl in her statement under Section 164 Cr. P.C. against them, in the event of arrest or surrender by petitioner nos. 1 and 3 before the court below within six weeks from the date of communication of this order, let the above named petitioner nos. 1 and 3 be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM VI, Danapur, District Patna, in connection with Bikram P.S. Case No. 193 of 2017 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

i. That one of the bailors shall be a close relative of the petitioner nos. 1 and 3.

ii. That the petitioner nos. 1 and 3 shall not indulge in any similar offence till conclusion of the trial.

iii. That the petitioner nos. 1 and 3 shall co-operate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

iv. The petitioner nos. 1 and 3 shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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