

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58668 of 2019

Arising Out of PS. Case No.-72 Year-2018 Thana- GORAUL District- Vaishali

1. JITENDRA CHAUDHARY Son of Late Mahesh Chaudhary Resident of Village- Sarmastpur, P.S.- Kanti, District- Muzaffarpur.
2. Dharmendra Chaudhary Son of Late Mahesh Chaudhary Resident of Village- Sarmastpur, P.S.- Kanti, District- Muzaffarpur.
3. Sunil Chaudhary Son of Sri Mohan Chaudhary Resident of Village- Laxmi Chauk, P.S.- Brahmpura, District- Muzaffarpur at present Resident of Nal Bari Station, P.O. and P.S.- Milanpur, District- Nal Bari, Assam
4. Naresh Chaudhary Son of Devnandan Chaudhary Resident of Village- Baghi, P.S.- Maniyari, District- Muzaffarpur.
5. Suresh Chaudhary Son of Devnandan Chaudhary Resident of Village- Baghi, P.S.- Maniyari, District- Muzaffarpur.
6. Dinesh Chaudhary Son of Devnandan Chaudhary Resident of Village- Baghi, P.S.- Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-09-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Goraul Police Station Case No. 72 of 2018, disclosing offence under Sections 364/120-B of the Indian Penal Code.

The prosecution case, as per the First Information Report, is that the son of the informant has been kidnapped by the accused persons, including the petitioners, and the son of the



informant is still traceless.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to oblique motive inasmuch as the sister of the petitioner no. 1 was married to the son of the informant and the petitioner no. 1 had filed a criminal case against the son of the informant under Section 498-A of the Indian Penal Code. He further submits that the present First Information Report has been lodged as a counter blast to the First Information Report lodged by petitioner no. 1 for torturing his sister by the son of the informant. He further submits that earlier, the provisional bail was granted by the learned Sessions Judge, Hajipur. However, earlier bail application was dismissed on 26.05.2018 and the second application for anticipatory bail, being A.B.P. No. 1660 of 2019, was filed by the petitioners, which, too, was dismissed on 05.07.2019, on the ground that there is no change of circumstances and the second application for anticipatory bail is not maintainable.

After having heard learned Counsel for the parties concerned and taking into consideration the fact that there is no change of circumstances and the son of the informant is still traceless, I am not inclined to grant the petitioners privilege of



anticipatory bail.

This application is, accordingly, dismissed.

However, the petitioners, named above, are directed to surrender before the Court below within a period of fifteen days from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered by the learned Court below on its own merit without being prejudiced by rejection of present application for grant of anticipatory bail.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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