

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59048 of 2019

Arising Out of PS. Case No.-398 Year-2018 Thana- TAJPUR District- Samastipur

1. DURGA SADA Son of Shanichar Sada Resident of Village - Radiyahi, P.S.- Tajpur (Halai O.P.), Distt - Samastipur.
2. Dhramendra Sada Son of Shanichar Sada Resident of Village - Radiyahi, P.S.- Tajpur (Halai O.P.), Distt - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 19-09-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Tajpur (Halai O.P.) P.S. Case No.398 of 2018 registered under Sections 363 and 366(A)/34 of the Indian Penal Code, pending in the court of the Judicial Magistrate, First Class, Samastipur.

The accusation is that on 19.10.2018 at about 10.00 P.M., the daughter of the informant, aged about 17 years, was returning to her house after seeing the fair. At that time, Phoolchand Sada and these petitioners kidnapped the daughter of the informant for the purpose of marriage. While the



informant searched his daughter but no trace of her was found.

Learned counsel appearing on behalf of the petitioners submits that due to love affair, in between the daughter of the informant and Phoolchand Sada, the daughter of the informant moved with Phoolchand Sada to perform the marriage but with an ulterior motive, the petitioners have falsely been implicated in this case.

The daughter of the informant, in her statement recorded under Section 164 of the Code of Criminal Procedure, has stated that she was kidnapped by these petitioners and Phoolchand Sada and was kept confined in a room, where Phoolchand Sada committed rape on her. Thereafter, she was taken by them to Vishakhapattanam, where Phoolchand Sada put pressure upon her to perform the marriage but she refused and, thereafter, taking the advantage of opportunity, she fled away from there.

Having considered the facts and the circumstances of the case and the nature of allegation against the petitioners, I am not inclined to grant anticipatory bail to the petitioners. Accordingly, the prayer of the petitioners for grant of anticipatory bail stands rejected. However, the petitioners are directed to surrender before the trial court within four weeks



from today and pray for regular bail, which shall be considered
by the trial court in accordance with law without being
prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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