

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45 of 2019

Arising Out of PS. Case No.-179 Year-2014 Thana- ARA MUFFSIL District- Bhojpur

1. Kariya Rai @ Kariya Ram and Anr S/o Nand Kishore Ram
2. Nand Kishore Rai @ Nand Dishore Ram S/o Late Shivji Ram Both are resident of village Jamira P.S. Ara Muffasil District Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Ranjan Pd. Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 31-01-2019 Heard the parties.

The petitioners seek anticipatory bail in connection with Ara (M) P S.Case No. 179 of 2014, registered for offences punishable under Sections 366 (A), 341, 342, 328, 376 (D) and 506/34 of the Indian Penal Code.

Allegation against the petitioners is of kidnapped the daughter of the informant and committed rape upon her.

Submission of the learned counsel for the petitioners that there is no allegation of rape upon the petitioner No.2 and he is named in the F.I.R. only on the basis of that he is father of petitioner No. 1 and F.I.R. lodged after delay of about one month without giving the reason and both the parties are co-villagers . It is further submitted that the petitioners have no



criminal antecedents.

Learned A.P.P. opposes the prayer for bail.

Having heard both sides and in view of the facts and circumstances as discussed above, let the petitioner No. 2, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty five Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate- II, Bhojpur in connection with Ara (M) P. S.Case No. 179 of 2014, subject to the condition that as laid down under Section 438 (2) of the Code of Criminal procedure with conditions that one of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.

So far as the case of the petitioner No. 1 is concerned, I am not inclined to grant bail to the petitioner, Accordingly, prayer of anticipatory bail is rejected with a direction to the petitioner that if the petitioner surrender before the court below within a period of four weeks from the date of order and make prayer for regular bail, which will be considered by the learned court below on its own merit without being prejudiced by this



order of this Court.

This application is accordingly disposed of.

(Vinod Kumar Sinha, J)

sudha/-

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