

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77538 of 2019

Arising Out of PS. Case No.-252 Year-2019 Thana- NAUTAN District- West Champaran

1. Rajababu Kumar S/o Vijay Prasad Kushwaha @ Vijay Prasad R/o village- Gahiri, P.S.- Nautan, District- West Champaran
2. Arun Yadav @ Arun Kumar Yadav S/o Yogendra Yadav@Mukti Sharma R/o village- Gahiri, P.S.- Nautan, District- West Champaran
3. Rajababu Sharma S/o Mukti Sharma R/o village- Gahiri, P.S.- Nautan, District- West Champaran
4. Nitish Kumar S/o Shashikant Prasad R/o village- Gahiri, P.S.- Nautan, District- West Champaran
5. Rishu Kumar @ Rishuraj Kumar S/o Sunil Prasad R/o village and P.S.- Nawalpur, District- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Bashishth Naraya Mishra, Advocate
For the Informant	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr.Mukeshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-12-2019 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel representing the informant.

The petitioners in this case are seeking anticipatory bail in connection with Nautan P.S. Case No. 252 of 2019 registered for the offences punishable under Sections 363, 511, 354(B)/345 of the Indian Penal Code.

Learned counsel for the petitioners submits that bare perusal of the FIR shows that though the informant came to know about the occurrence on the same day but the present FIR has been lodged after five days of the alleged occurrence



without explaining the delay. It is further submitted that the informant has now pacified the dispute along with the victim.

Having heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State and upon taking note of the allegation against the petitioner nos. 1 to 4 being that of kidnapping of the victim girl though she was recovered and could not be taken away too far, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner nos. 1 to 4. Their prayer is thus, refused.

In case petitioner nos. 1 to 4 surrender and pray for regular bail before the court below within a period of four weeks from today, their prayer for regular bail shall be considered independently on the basis of the materials on the record.

So far as petitioner no. 5 is concerned, he has not been named by the victim girl and is aged about 19 years having no criminal antecedent, let the petitioner no. 5 above named in the event of his arrest or surrender within a period of four weeks from today be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Nautan P.S. Case



No. 252 of 2019, subject to the condition as laid down under
Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself
available for interrogation by a police officer as and when
required;

(ii) a condition that the person shall not, directly or
indirectly, make any inducement, threat or promise to any
person acquainted with the facts of the case so as to dissuade
him from disclosing such facts to the Court or to any police
officer;

(iii) a condition that the person shall not leave India
without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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