

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76919 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- JURAWANPUR District- Vaishali

1. BALINDRA CHOUDHARY Son of Late Ram Upyog Choudhary Resident of Village- Pyarepur, Jori Pokhar Patori, P.S.- Patori, District- Samastipur.
2. Mithilesh Rai Son of Late Jageshwar Rai Resident of Village- Pyarepur Jori Pokhar Patori, P.S.- Patori, District- Samastipur.
3. Amit Choudhary Son of Manohar Choudhary Resident of Village- Pyarepur Jori Pokhar Patori, P.S.- Patori, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for anticipatory bail arises out of **Jurawanpur P.S. Case No. 20 of 2019**, disclosing the offence under Section 365 of the Indian Penal Code.

It is alleged in the First Information Report that the informant's son had gone to appear in an examination whereafter he was found missing from 25.02.2019. The First Information Report registered on 27.02.2019 was against unknown. The statement of the victim has been recorded under Section 164 of the Cr. P.C., wherein he has narrated that he had



gone with petitioner Nos. 1 and 2 to Patna, where he was made to have *Samosa* and cold drink, whereafter, he lost his senses. He has further alleged that the named accused persons forcibly made him to marry niece (*Bhagini*) of one Mahendra Rai. Against petitioner No. 3, it is alleged that he assaulted him with other persons.

It is being argued on behalf of the petitioners that as a matter of fact, the alleged victim was married as per the Hindu rites, and because of non-fulfillment of demand of dowry, a false case has been instituted. It has further been argued that though, it is own case of the victim that he had managed to flee away on 27.02.2019, there does not appear to be any reason why his statement under Section 164 of the Cr. P.C. was recorded on 06.03.2019.

Considering the facts and circumstances, this application is allowed. Let the petitioners, above-named, in the event of their arrest/surrender within six weeks from today in the court below, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each, with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate-IX, Vaishali at Hajipur**, in connection with **Jurawanpur P.S. Case No. 20 of 2019**, subject to the



condition as laid down under Section 438(2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the Police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the court on two consecutive occasions, their bail Bonds shall be liable to be cancelled.

(Chakradhari Sharan Singh, J)

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