

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78775 of 2019

Arising Out of PS. Case No.-288 Year-2019 Thana- TARAIYA District- Saran

1. SEEMA DEVI Wife of Kashi Nath Singh Resident of Village - Belahari, P.S.- Taraiya, District- Saran
2. Preeti Kumari D/O - Kashi Nath Singh Resident of Village - Belahari, P.S.- Taraiya, District- Saran
3. Kashi Nath Singh Son of Late Mishri Lal Singh Resident of Village - Belahari, P.S.- Taraiya, District- Saran
4. Rohit Kumar @ Rohit Singh Son of Kashi Nath Singh Resident of Village - Belahari, P.S.- Taraiya, District- Saran

... .. Petitioners

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh
For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 03-12-2019 Heard learned Counsel for the petitioners and the learned APP for the State.

Petitioners apprehend arrest in Taraiya PS Case No. 288 of 2019 registered under Sections 366(A)/34 of the IPC.

Petitioners' Counsel submits that falsity of the allegation would be evident from the fact that entire family members including father and son have been implicated in a case alleging rape of the abducted victim. The case diary as per order of the court below reveals that the victim was recovered along with the accused Ankib where they were together at Rambagh Taraiya. Even in the supervision the case has been found false against petitioner Nos. 1, 2 and 4. Petitioners bear no criminal antecedent. It is also submitted that the alleged victim has been assessed by the doctor to be above 18 years of age and the statement of the victim has been recorded under



duress of her parents. The same is evident from the fact that there is material inconsistency in recording statement under Section 164 Cr.P.C. as regards the date of alleged occurrence is concerned.

Learned APP for the State opposes the prayer. It has been submitted that it is a heinous crime.

Considering the rival submissions as also the facts and circumstances of the case this Court is inclined to allow the prayer for anticipatory bail of the petitioners.

In the event of arrest or surrender before the court below within four weeks from today, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of ACJM I Saran, Chapra in Taraiya PS Case No. 288 of 2019 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also subject to the following conditions:-

(I) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

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