

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80309 of 2019

Arising Out of PS. Case No.-619 Year-2018 Thana- BAGHA District- West Champaran

1. BIRAN RAM Son of Late Jagdish Ram Resident of Village - Varwa Soni, P.S.- Bagaha, District- West Champaran
2. Nagendra Sah Son of Late Jagai Sah Resident of Village - Varwa Soni, P.S.- Bagaha, District- West Champaran
3. Thakur Ram Son of Late Bandhu Ram Resident of Village - Varwa Soni, P.S.- Bagaha, District- West Champaran
4. Dipak Kumar @ Deepak Ram Son of Biran Ram Resident of Village - Varwa Soni, P.S.- Bagaha, District- West Champaran
5. Gayatri Devi @ Bhuli Devi Wife of Thakur Ram Resident of Village - Varwa Soni, P.S.- Bagaha, District- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 06-12-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are seeking anticipatory bail in connection with Bagaha (Bhairoganj) P.S. Case No. 619/2018 registered under Sections 366A and 34 of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners have not committed any offence as alleged in the F.I.R. and have been falsely implicated in this case for ulterior motive as there is no specific allegation against the petitioners



rather co-accused Gautam Kumar has been alleged to kidnap the daughter of the informant, and petitioners are having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Considering the facts and circumstances of the case wherein after investigation police collected material showing that the victim girl had gone on her own with the co-accused Gautam Kumar and in her statement under Section 164 Cr.P.C also she has stated that she had gone with Gautam Kumar on her own and that the doctor's report finds the age of the victim in between 17 – 19 years, and so far as these petitioners are concerned, the police did not find any material to proceed against them but differing with the police report cognizance has been taken against these petitioners who are family members of Gautam Kumar and in the impugned order of the learned Sessions Judge the facts stated in 164 Cr.P.C. statement and the age assessed are duly taken note of, finding that these petitioners are family members and in the F.I.R. no specific role was alleged against them, in the event of their arrest/surrender before the court below within a period of four weeks, let the above-named petitioners be enlarged on bail furnishing bail



bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. 1st, Bagaha (West Champaran), in connection with Bagaha (Bhairoganj) P.S. Case No. 619/2018, subject to 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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