

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7653 of 2020

Arising Out of PS. Case No.-10 Year-2016 Thana- GOVINDPUR District- Nawada

1. ARJUN RAVIDAS Son of Late Ram Dhani Ravidas Resident of Village- Mahubari Amma Sakhua Pasnaur, P.S.- Gama, District- Giridih, Jharkhand.
2. Bhim Ravidas Son of Late Ram Dhani Ravidas Resident of Village- Mahubari Amma Sakhua Pasnaur, P.S.- Gama, District- Giridih, Jharkhand.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 09-07-2020 As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

Petitioners apprehend arrest in Govindpur PS Case No. 10 of 2016 registered under Sections 366(A) of the IPC.

On 13.3.2016 it is alleged that the informant's daughter was called by co-accused Jaimanti Devi on the pretext that her son co-accused Atish Kumar was calling. It is alleged that thereafter she did not return. The petitioners have been implicated as being abductors.

Learned Counsel for the petitioners submits that statement of the victim recorded under Section 164 Cr.P.C. is a totally



different version of the occurrence and in fact belies entire allegation made in the FIR. In her statement she has stated that she was on way when co-accused Astish tried to entice her. The instant petitioners, who were accompanying Atish in fact took her to Govindpur Police Station. Such statement of the victim can by no stretch of imagination be considered an offence. Co-accused Jaimanti Devi has been allowed anticipatory bail in Cr. Misc. No. 45993 of 2016 and it is submitted by the petitioners Counsel that co-accused Atish Kumar has also been released by Juvenile Justice Board.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners above named, in the event of arrest or surrender before the court below within four weeks from today, 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 CJM Nawada in Govindpur. PS Case No. 10 of 2016 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also 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 and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

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(Madhuresh Prasad, J)

