

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9204 of 2020

Arising Out of PS. Case No.-60 Year-2018 Thana- HATHUA District- Gopalganj

1. VISHAL KUMAR RAJAK @ VISHAL BAITHA S/o Surendra Rajak @ Surendra Rajak.
2. Chandan Kumar S/o Kamleshwar Chauhan both Resident of Village-Repura, P.S.- Hathua, Distt- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 29-02-2020 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 363, 366A of the Indian Penal Code.

As per written report of the informant on 15.04.2018 there was Tilak ceremony of Rakesh Thakur son of Babban Thakur in her adjacent house. At 7 PM Subhawati Devi and Sarita Kumari came to her house and took away her daughter Riti Kumari. After end of Tilak ceremony, when her daughter did not return back, the informant went to the house of Babban Thakur and asked whereby about her daughter where all the



accused persons were present, told that Tilak of one son is going on and second son Bhuteli will marry with your daughter as he loved her. When the informant made protest to it, they threatened to kidnapped her daughter. It is alleged that the accused persons have kidnapped her minor daughter in conspiracy to each other.

Learned counsel for the petitioners submits that there is no specific allegation against the petitioner no. 2 whereas specific allegation against the petitioner no. 1 is of demanding money from the victim. He submits that there is case and counter case between the parties. He submits that petitioner no. 1 was acquitted in Trial No. 1889 of 2019 which reflects the previous animosity between the parties out of which the name of the petitioner no. 1 has been tutored in the 164 Cr.P.C. statement of the victim girl. He further submits that petitioners bear no criminal antecedent.

Considering the fact that there is no specific allegation against the petitioner no. 2, let the petitioner no. 2, above named, in the event of his arrest or surrender before the Court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties



of the like amount each to the satisfaction of the learned C.J.M.,
Gopalganj in connection with Hathua Police Station Case No.
60 of 2018, G.R. No. 1519 of 2018, subject to the conditions as
laid down under Section 438(2) of the Code of Criminal
Procedure.

So far as, there is specific allegation against the
petitioner no. 1, I am not inclined to enlarge the petitioner no. 1
on anticipatory bail.

Accordingly, his payer for anticipatory bail is rejected
in the aforesaid case.

However, petitioner no. 1 is directed to surrender
before the learned court below and learned court below will
consider the bail application of the petitioner no. 1 on the same
day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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