

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 9563 of 2020

Arising Out of PS. Case No.-104 Year-2019 Thana- BANGAWON District- Saharsa

1. Shiva Yadav @ Shiv Prasad Yadav @ Shiv Yadav, aged about 61 years, Male, Son of Late Bhuban Yadav @ Bhuneshwar Yadav
2. Vikash Yadav @ Vikash Kumar Yadav, aged about 25 years, Male, Son of Shiv Yadav
3. Mikki Devi @ Nikki Devi, aged about 35 years, Female, Wife of Arbind Yadav
4. Arbind Yadav, aged about 40 years, Male, Son of Ram Prasad Yadav, all resident of Village - Belagoan, P.S.- Bihar, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi, Advocate
For the Opposite Party/s : Mr.Sanjay Kumar Sharma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 03-09-2020 Heard the parties through the virtual court proceeding.

The petitioners apprehend their arrest in connection with Bangaon P.S. Case No. 104 of 2019 registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code.

Perused the record. All of the five petitioners stand named in the F.I.R. for offences under Sections 363, 366(A) and 34 of I.P.C. It appears that they, in collusion with other co-accused persons, committed kidnapping and other offences against a minor girl, aged about 16 years.



Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that co-accused Vipul Kumar has kidnapped the victim girl. He further submits that the petitioners are only his relatives.

From perusal of the case diary it is evident that witnesses, quoted in para nos.6, 7 and 8 of the case diary, also stated that the co-accused including the petitioners forcibly took the victim girl and kept her confined away at the house of a sister of Bipul Yadav and also moved her secretly elsewhere. As per para 57 of the case diary, certain call details of the mobile phone number of the victim girl further support the involvement of the accused persons including the petitioners. The victim girl is traceless till date.

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

In the facts and circumstances of the case, I am not inclined to enlarge the petitioners on bail. Accordingly, the prayer for bail of the petitioners in connection with Bangaon P.S. Case No.104 of 2019 pending in the court of learned Chief Judicial Magistrate, Sahara is hereby rejected. However, the petitioners is directed to surrender before the court below and



the learned court below shall dispose of the bail application of
the petitioners on the same day without being prejudiced by this
order.

(Anjani Kumar Sharan, J)

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