

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.70180 of 2019**

Arising Out of PS. Case No.-91 Year-2019 Thana- SONBERSA District- Sitamarhi

1. Pukar Rai Son of Ravindra Rai Resident of Village - Supaina, P.S.-  
Bathanaha, District- Sitamarhi
2. Jaynath Rai @ Jagannath Rai Son of Kewal Rai Resident of Village -  
Haribela, P.S.- Bathnaha, District- Sitamarhi

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

|                    |   |                               |
|--------------------|---|-------------------------------|
| For the Petitioner | : | Mr. Mahendra Thakur, Advocate |
| For the State      | : | Mr. Zainul Abedin, A.P.P.     |

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR  
SRIVASTAVA**

ORAL ORDER

4      03-07-2020                      Heard learned counsel for the petitioners as well as  
  
learned Additional Public Prosecutor for the State through video  
  
conferencing.

Petitioners apprehend their arrest in connection with  
  
Sonbarsa P.S. Case No. 91 of 2019 registered for the offences  
  
punishable under Sections 363, 366A of the Indian Penal Code.

The victim has already been recovered and her  
  
statement under Section 164 of the Cr.P.C. was recorded. The  
  
perusal of statement recorded under Section 164 of the Cr.P.C.  
  
goes to show that it were co-accused Mukesh Rai and Bhikhari  
  
Rai who took the victim and established physical relation with  
  
her. So far as petitioners are concerned, she claimed that



petitioners were also present with co-accused Mukesh Rai and Bhikhari Rai when she was kidnapped.

Learned counsel appearing for the petitioners submits that victim has made her statement under influence of her parents and as a matter of fact, the victim was in love with co-accused Mukesh Rai, who happens to be son of petitioner no. 1 and maternal nephew of petitioner no. 2. He further points out that victim has been found major in her medical examination.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in Sonbarsa P.S. Case No. 91 of 2019, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

**(Hemant Kumar Srivastava, J)**

shahzad/-

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