

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65360 of 2021

Arising Out of PS. Case No.-88 Year-2021 Thana- MAJORGANJ District- Sitamarhi

1. MOTI ALAM NAT S/o Late Subhan Nat
2. Bachcha Nat S/o Moti Alam Nat
Both Resident of Village - Marpa Sirpal, Ward No.02, P.S.- Majorganj,
District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Opposite Party/s : Ms. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 19-07-2022 By order dated 31.03.2022, case diary along with statement of the victim recorded under Section 164 Cr.P.C. was called for from the learned court below but the same till date has not been received, as such, the Court proceeds to decide the case on its own merit based on the averments made in the anticipatory bail application.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 364, 365, 366 and 366(A) of the Indian Penal Code.

Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the victim has come back on her volition and her statement under Section 164



Cr.P.C. was recorded wherein she has stated that she herself left her house and solemnized marriage in a temple with Firoj Nat as her parents wanted to get her marriage to an old person and has very clearly stated that nobody had kidnapped her.

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

Considering the submissions made by the learned counsel for the petitioners and the fact that the victim has not supported the prosecution case in her statement recorded under Section 164 Cr.P.C., the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Majorganj P.S. Case No. 88 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Learned court below before accepting the bail bond of the petitioners shall verify from the statement recorded under Section 164 Cr.P.C. as to whether the victim has supported or not supported the case of the prosecution. In the event, if the



victim has not supported the case of the prosecution, the bail bond of the petitioner shall be accepted forthwith and if the victim has supported the prosecution case, then this order will not be acted upon.

(Satyavrat Verma, J)

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