

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86905 of 2024

Arising Out of PS. Case No.-108 Year-2013 Thana- SAHPUR District- Patna

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1. Gopal @ Gopal Kumar S/o- Upendra Sao @ Upendra Sah Village- Usari Khurd PS-Shahpur District- Patna
 2. Upendra Sao @ Upendra Sah S/o- Late Suresh Chandra Shah Village- Usari Khurd PS-Shahpur District- Patna

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-01-2025 1. Heard learned Counsel for the petitioners and learned APP for the State.

2. This application, for grant of anticipatory bail, arises out of Shahpur P.S. Case No. 108 of 2013, disclosing offences under Sections 366(A)/34 of Indian Penal Code.

3. As per the F.I.R, on 20.06.2013 in the morning, the daughter of the informant went outside to attend nature's call towards the house of co-accused Sudhir Kumar but did not return. Upon search, the informant came to know that Sudhir Kumar alongwith persons named in the FIR conspired together and kidnapped informant's daughter and on the basis of the complaint, present FIR has been lodged.



4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in this case due to family dispute. The petitioners are not named in the FIR and they have been made accused during the course of investigation and on the basis of the statement of victim girl recorded under Section 164 Cr.P.C. Petitioner no.1 is the brother of the victim's sister-in-law(*gotni*) and petitioner no.2 is father of petitioner no.1. Police after investigation and taking into consideration the statement of victim girl recorded under section 164 Cr.P.C, submitted final form (Annexure-2) on 23.08.2017, exonerating the petitioners. Learned magistrate differed with the police report and took cognizance under Section 366(A)/34 against the petitioners. Learned counsel further submits that summon was not received by the petitioners and when police came at the door of the petitioners in the year 2024, the petitioners came to know that cognizance has been taken by the learned magistrate.

5. Regards being had to the submission advanced on behalf of the parties and taking into consideration that fact that the petitioners are not named in the FIR and police after investigation submitted final form not sending the petitioners for trial, I am inclined to grant the petitioners privilege of anticipatory bail.



6. This application is, accordingly, allowed.

7. Let petitioners, above named in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Danapur, Patna in connection with Shahpur P.S. Case No. 108 of 2013, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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