

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33239 of 2015

Arising Out of PS.Case No. -207 Year- 2015 Thana -MAHUA District- VAISHALI(HAJIPUR)

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1. MADAN RAI @ MADAN KUMAR

2. Vijay Rai @ Vijay Kumar

Both are sons of Khattu Rai, resident of village- Mahua Singh Rai, P.S.-
mahua, District- Vaishali

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate

For the Opposite Party/s : Mr. S.N.Shukla(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 28-08-2015

Heard learned counsel for the petitioners and the
State.

The petitioners are apprehending their arrest in a
case registered for the offences punishable under Sections
363, 366A/34 of the Indian Penal Code.

The prosecution case is that Abhimanyu Raj @
Vicky talked to the daughter of the informant and
thereafter she went missing. It is also alleged that 10 days
prior to the occurrence the Abhimanyu Raj @ Vicky made
unsuccessful attempt to elope with the victim.

It is submitted by the learned counsel for the
petitioners that the victim went missing on 27.04.2015 at 10
P.M., the First Information Report was registered on
28.04.2015 at 8.00 P.M., the victim was recovered on
28.04.2015 itself by Mahua Police from Maniyari village, but no



efforts was taken to get the statement of the victim recorded under Section 164 Cr.P.C. or to get her medically examined and without producing the victim before the Court she was released in favour of the informant. The victim's statement under Section 164 Cr.P.C. was recorded on 25.06.2015 after about two months of recovery, where she alleged that she was being kidnapped by Abhimanyu Raj @ Vicky and petitioners. It is submitted that belated statement under Section 164 Cr.P.C. was recorded to implicate the petitioners since there was no material against the petitioners, but they have only been roped in the present case because they happen to be uncle and father of the main accused Abhimanyu Raj @ Vicky. Statement has been made in para-3 of the petition that petitioners have no criminal antecedent.

Learned counsel for the informant submits that the victim has named the petitioners in 164 Cr.P.C. statement but failed to controvert this fact that the victim was recovered on the very next date of the occurrence and was released in favour of the informant by police without producing before the Court. Moreover, the statement under Section 164 Cr.P.C. was recorded about two months of the recovery.

Considering the delayed recording of the statement of the victim under Section 164 Cr.P.C. and the thrust of accusation against Abhimanyu Raj @ Vicky, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a

period of twelve weeks from today, 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, Vaishali at Hajipur in connection with mahua P.S. Case No. 207 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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