

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9194 of 2016

Arising Out of PS.Case No. -161 Year- 2014 Thana -MUSAHRI District- MUZAFFARPUR

1. Kapil Rai @ Kapal Rai Son of late Jatahu Rai
2. Suresh Rai Son of late Shiv Lal Rai
3. Sakindra Rai Son of late Bijali Rai all are resident of Village Radhanagar
Mushahari P.S.. Mushahari District- Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioners : Mr. Bela Singh
For the Opposite Party : Mr. Anil Kumar(APP)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-05-2016 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners apprehend their arrest in connection with
Mushahari P.S. Case No. 161 of 2014 (G.R. No. 6367 of 2014) for
the offences punishable under Section 366A/34 of the Indian Penal
Code.

The Prosecution case is that the informant Sanju
Devi, resident of Radhanagar Musahari, gave her written
application before officer-in-charge of Mushahari police station on
21.12.2014 alleging that on 17.12.2014 her daughter Pooja
Kumari ent to High School, Rohua for giving exam from her
house but did not return to her house, so she made attempt to

search on her own level but could not find her. During search, she was informed by villager that her daughter was enticed away by her co-villagers Biraju Rai, and Kapal Rai, Suresh Rai, Sakindra Rai petitioner No. 1, 2 and 3 and Laxmi Devi.

It has been submitted by the learned counsel for the petitioners that they are innocent and being milk man in the locality and due to some dispute with the informant over the distribution of milk, petitioners have been named. She submits that the victim girl was already married as certified by the *Sarpanch*. It has further been submitted that there is no eye-witness to the said occurrence and it was only on the basis of suspicion that the petitioners have been named in the First Information Report.

However, the learned APP for the State submits that petitioners are named in the First Information Report and the victim girl has not yet been recovered hence, opposes the prayer for bail.

Be that as it may, since there is no eye-witness and it is on the basis of suspicion that the petitioners have been named in the First Information Report, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand only) each

with two sureties of the like amount each to the satisfaction of the learned Sub-Judge 3rd cum A.C.J.M., Muzaffarpur in connection with Mushahari P.S. Case No. 161 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C

(Nilu Agrawal, J.)

Rajiv/-

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