

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43824 of 2017

Arising Out of PS.Case No. -152 Year- 2017 Thana -RUPAULI District- PURNIA

- =====
1. Mithilesh Kumar, Son of Mukesh Ram @ Mukho Ram,
 2. Vikash Kumar Son of Rajendra Ram,
- Both R/o Village- Kanp, P.S.- Ruauli, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha

For the Opposite Party/s : Mr. Md. Sufiyan

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 10-11-2017 Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners are languishing in judicial custody since
21.07.2017 in connection with Rupauli (Mohanpur) P.S. Case No.
152/2017 for offences punishable under Sections 366, 366-A/34 of
the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his 14 year old daughter Kajal Kumari had gone for tuition
but did not return. It is alleged that the petitioners must have
kidnapped his daughter.

It has been submitted by the learned counsel for the
petitioners that they are innocent, bear no criminal history and the
victim girl although is a minor, has stated in her statement under



Section 164 of the Cr.P.C. that she had a love affair with petitioner no. 1 and both had gone together. He submits that the independent witnesses have stated that the victim girl had herself called petitioner no. 1 on telephone and no overt act has been alleged to have been committed by the petitioners. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioners.

However, learned APP for the State opposes the prayer for bail stating therein that the victim girl is a minor as assessed by the Magistrate and the Medical Report.

Considering the facts and circumstances and the materials on record, let petitioners, above named, be enlarged 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 Addl. Chief Judicial Magistrate-1st, Purnea, in connection with Rupauli (Mohanpur) P.S. Case No. 152/2017, subject to the condition that both the bailors would be a close relative of the petitioners having sufficient immovable property, who will file an affidavit stating their relationship with the petitioners.

(Nilu Agrawal, J)

Rajesh/-

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