

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10140 of 2019

Arising Out of PS. Case No.-508 Year-2018 Thana- BIDUPUR District- Vaishali

1. FULKUMARI DEVI W/o Rambabu Bhagat Resident of Village- Amer, P.S.- Bidupur, District- Vaishali.
2. Rambabu Bhagat S/o Late Jagdeo Bhagat Resident of Village- Amer, P.S.- Bidupur, District- Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 14571 of 2019

Arising Out of PS. Case No.-508 Year-2018 Thana- BIDUPUR District- Vaishali

ARVIND KUMAR BHAGAT S/o Rambabu Bhagat, Resident of village- Amer, P.S.-Bidupur, District-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 10140 of 2019)

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Satyendra Narayan Singh

(In CRIMINAL MISCELLANEOUS No. 14571 of 2019)

For the Petitioner/s : Mr.Praveen Kumar

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 26-04-2019 As both the above applications arise out of same police station case number, they are being taken up together for disposal.

These applications, for grant of anticipatory bail, arises out of Bidupur P.S. Case No. 508/18, disclosing offences under



Sections 341, 323, 498(A) and 363/34 of the Indian Penal Code.

Petitioners in Criminal Miscellaneous No. 10140/2019 are mother- in- law of the daughter of informant and petitioner in Criminal Miscellaneous No. 14571/2019 is husband of daughter of informant and allegation against them is of demand of dowry and subjecting the victim girl to cruelty and torture and it is further alleged that the informant had a talk with the girl on 18.11.2018 and she informed that she is preparing to come to Hajipur but she did not come to the house of informant and, thereafter, accused- petitioner Arvind Kumar came to the house of informant and when informant enquired about her daughter Jyoti Kumari and her children, petitioner – Arvind Kumar disclosed that the victim girl Jyoti Kumar eloped with some other person. As such, the informant suspected that the accused persons have got his daughter disappeared.

Submission of learned counsel for the petitioners is that materials collected during course of investigation and the statement of Tempo Driver has been recorded, which appears from para -20 of the case diary, in which, the Tempo Driver disclosed that he left the daughter of informant at Rajendra Nagar Railway Station along with her children and para 21 and in other paragraphs of case diary disclosed that the witnesses



have stated that they had seen the daughter of informant and her children and there is nothing to support the allegation of kidnapping by the petitioners.

Heard learned A.P.P. as well as learned counsels for the informant appearing in both the above mentioned applications. They have opposed the prayer for bail and submitted that earlier also the victim girl was subjected to cruelty and torture by the petitioners including petitioner – Arvind Kumar Bhagat, who is husband of the girl and working in police department, for which, the informant has complained before the higher officials of the police department and a proceeding is also going on against him and further in the case lodged by the petitioner Arvind Kumar Bhagat, he has himself stated that he left the victim girl at Tempo Stand, whereas, there is no such statement of Tempo Driver and, therefore, there is contradiction between the statements of Tempo driver and petitioner – Arvind Kumar Bhagat.

Having heard both sides, considering the facts and circumstance of the case, this application is allowed. Let the petitioners, above named, in the event of their arrest or surrender before the court below within six weeks, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty



five Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Bidupur P.S. Case No. 508/18, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure with condition that if any serious incriminating materials comes during the investigation against petitioners, the prosecutor is at liberty to move before the court below for cancellation of their bail bonds.

(Vinod Kumar Sinha, J)

sunilkumar/-

U		T	
---	--	---	--

