

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29228 of 2019

Arising Out of PS. Case No.-290 Year-2018 Thana- HARNAUT District- Nalanda

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1. Basmatiya Devi Wife of Devcharan Kewat @ Devcharan Kewat Resident of Bishnupur, P.S.- Bind, Distt - Nalanda.
 2. Bachchu Kewat Son of Devcharan Kewat @ Devcharan Kewat Resident of Bishnupur, P.S.- Bind, Distt - Nalanda.
 3. Sachchu Kewat Son of Devcharan Kewat @ Devcharan Kewat Resident of Bishnupur, P.S.- Bind, Distt - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh
For the Opposite Party/s : Mr. Ajay Kumar

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 07-05-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered under Section 366(A)/34 of the Indian Penal Code.

Minor daughter of the informant is said to have been kidnapped by the petitioner Sachchu Kewat in association of other accused persons named in the F.I.R. including the rest two petitioners.

It is submitted by learned counsel for the petitioners that the petitioners have no concern with the aforesaid occurrence. They have been falsely implicated in the



case. As per the statement of the victim recorded under Section 164 Cr.P.C., petitioner Sachchu Kewat had called the brother of the victim namely Jitan Kumar and had taken the victim to the P.S. concerned along with her brother. Thus he has facilitated the recovery of the victim while the rest two petitioners have been falsely implicated in the case merely because they happen to be mother and brother of the said Sachchu Kewat.

On the other hand, learned APP for the State and learned counsel for the informant vehemently opposing the bail petition submitted that as per the statement of the victim recorded under Section 164 Cr.P.C., Lakhendra Kumar along with three other accused persons had kidnapped the victim on the pretext of ailment of her mother and sent the victim to Delhi with Sachchu Kewat, but later on after around one month, Sachchu Kewat called the brother of the victim and dropped her at P.S. concerned. Thus the complicity of the petitioner Sachchu Kewat in the occurrence of kidnapping of the victim is well established.

In the facts and circumstances of the case, as the petitioner Sachchu Kewat was also involved in kidnapping of the victim at the very initial stage though he has dropped the victim along with her brother at the P.S. concerned after one



month, hence I am not inclined to enlarge the petitioner Sachchu Kewat on bail. His prayer for bail is rejected.

So far as petitioner nos. 1 and 2 are concerned, as they happen to be mother and brother of the said Sachchu Kewat and the victim has not named the aforesaid petitioners in the occurrence in her statement recorded under Section 164 Cr.P.C., hence let the aforesaid petitioners namely Basmatiya Devi and Bachchu Kewat be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nalanda at Biharsharif in connection with Harnaut (Gokulpur O.P.) P.S. Case No. 290 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, this petition stands disposed of.

(Prakash Chandra Jaiswal, J)

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