

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75867 of 2018

Arising Out of PS. Case No.-297 Year-2017 Thana- BAUNSI District- Banka

Subodh Maraiya Son of Dinesh Maraiya Resident of Village-Sitala
Dangal, Police Station Bounsi, Distt.-Banka

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee

For the Opposite Party/s : Mr.Sri Binod Kumar 3

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-01-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since
22.02.2018 in connection with Bounsi P.S. Case No. 297 of
2017, G.R. No. 4036 of 2017 for offences punishable under
Sections 363, 366, 354(B) of the Indian Penal Code and Section
12 of the POSCO Act.

The prosecution case as lodged by the informant is
that while his two daughters Asha Kumari aged 15 years and
Futki Kumari aged 14 years had gone to the market while
returning, the petitioner along with another co-accused Mukesh



Maraiya had kidnapped the elder daughter Asha Kumari which was revealed by the younger daughter Futki Kumari.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and the confessional statement of the victim Asha Kumari before the Magistrate under 164 Cr.P.C. does not specify any overt act against the petitioner. He submits that the allegation is only that the petitioner had accompanied co-accused Mukesh Maraiya who had kidnapped the daughter of the informant. He further submits that no overt act against the petitioner or the other accused has been alleged by the victim and charge-sheet has already been submitted, there being no allegation of tampering with the prosecution witnesses.

However, learned APP for the State opposes the prayer for bail.

Considering the nature of allegations and materials on record as well as the period of custody, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000 (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Banka in connection with Bounsi P.S. case No. 297 of 2017, G.R. No. 4036 of 2017, subject to the



condition that one of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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