

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75821 of 2018

Arising Out of PS. Case No.-161 Year-2018 Thana- DAGARUA District- Purnia

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1. Bikash Kumar Bishwas @ Vikash Kumar Bishwas Son of Ranjan Kumar Bishwas @ Debulla
 2. Ranjan Kumar Bishwas @ Debulla Son of Late Kailu Bishwas Both Resident of Village-Maranga,P.S. Dagarua, District - Purnea

... .. Petitioners

Versus

1. The State Of Bihar
2. Sakshi Kumari D/o Murli Dhar Gupta Resident of Village – Maranga, P.S. Dagarwa Hat, District -Purnea

... .. Opposite Parties

Appearance :

For the Petitioners	:	Mr. Pankaj Kumar Sinha, Mr. Nadimul Hasan, Advocates
For the State	:	APP
For Opposite Party No.2	:	Mr. Ram Prawesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 14-03-2019 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 341, 343, 323, 354(a), 363, 366, 368, 447, 504 and 506/34 of the Indian Penal Code registered in connection with Dagarwa P.S. Case No. 161 of 2018.

3. It is submitted that the petitioners have been falsely implicated and as a matter of fact, it is a case of love affair between the informant's daughter and petitioner no. 1 and they had solemnized marriage on 26.03.2018 which was being opposed by the informant side. The accusation that the accused persons had kidnapped the informant's daughter on 29.03.2018 is not credible as no FIR at the relevant time was instituted and admittedly the informant's daughter returned a mere three days later. The girl has been living with her parents and under their influence, her statement



under Section 164 of the Cr.P.C. has been recorded in the month of October, 2018, which is thus not credible. It is submitted that the accusations against petitioner no. 1 and his father (petitioner no. 2) are unlikely and improbable.

4. Learned APP assisted by learned counsel for the informant appears and has been heard.

5. Be that as it may, in the event of the petitioners' arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Dagarwa P.S. Case No. 161 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. and with further conditions --

(i) That one of the bailors of each of the petitioners shall be their close relatives.

(ii) That the petitioners shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioners shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, their bail bonds shall be liable to be cancelled by the learned Court concerned.

(iv) That the petitioners shall cooperate with the investigation, if not already concluded, and make themselves available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

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(Vikash Jain, J)

