

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6564 of 2020

Arising Out of PS. Case No.-630 Year-2019 Thana- SITAMARHI District- Sitamarhi

1. MUKESH SINGH @ MUKESH KUMAR S/o Ram Kisun Singh
2. Kamlesh Kumar S/o Ram Kisun Singh
3. Santosh Singh S/o Ram Kisun Singh
4. Sunita Devi W/o Mukesh Singh @ Mukesh Kumar
All R/o Village- Bhupbhairo, P.S. and District, Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Jha

For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 07-09-2020 Heard learned counsel for the petitioners and
learned counsel for the State.

Petitioners, apprehends their arrest in a case registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code.

Informant has alleged that on 1.11.2019 at 9 a.m., his sister Priyanka Kumari left for coaching and when she did not return till late evening, the informant along with his family members started searching her and on 3.11.2019, he got information from his co-villagers that his sister was seen boarding a Tempo on 1.11.2019 at 1 pm along with Mukesh Kumar, s/o Ram Nandan Singh, Ram Nandan Singh, Mukesh



Singh (petitioner) and Kamlesh Singh (petitioner). Thereafter, he went to the house of the accused persons where he found that they had absconded and their house was locked. Informant had suspicion that Mukesh Kumar, S/o Ram Nandan Singh who used to teach his sister in his coaching, had kidnapped either to marry her or to sell her in a brothel along with other accomplice.

It has been submitted that all petitioners are family members and they are innocent and have falsely been dragged in this case due to dirty village politics and previous animosity. It is further submitted that sister of informant was in love with accused Mukesh Kumar, son of Ramnandan Singh who used to run coaching institute in which the victim was taking English tuition and she eloped with said Mukesh Kumar and petitioners have nothing to do with the affairs between accused Mukesh Kumar and victim girl.

Victim girl also in her statement recorded under Section 164 of Cr.P.C. has stated that on 01.11.2019 she had gone to coaching institute and on said date, Mukesh Kumar took her away on pretext of providing guess paper and it is further stated that other accused put some clothes on her face and she became unconscious and she found herself in Patna when she regained consciousness where accused Mukesh Kumar said that



he wants to marry her and on her refusal she was locked in a room however, one day, room was not locked and she fled away.

Victim girl has been examined by the medical board which assessed her age to be 19 years.

Petitioners have no criminal antecedent.

Considering the facts and circumstances of the present case, let petitioners, above named, in the event of arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on pre-arrest bail on furnishing bail bond of Rs. 20,000/- (twenty thousand only) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with Sitamarhi P.S. Case No.630/19, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be present on each and every date fixed by the court and their absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel their bail bonds.



(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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