

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 8417 of 2020

Arising Out of PS Case No.-207 Year-2019 Thana- GAYA MUFFASIL District- Gaya

1. Mithun Manjhi @ Mithun Kumar aged about 21 years (M) Son of Ramesh Manjhi, Resident of Village- Bahora Bigha, P.S.- Muffasil, District- Gaya.
2. Sikandar Das @ Kala Bhutwa @ Sikandar Kumar, aged about 28 years (M), Son of Mahendra Das, R/o Village- Babuganj (Salempur), P.S.- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar, Advocate
For the State	:	Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 23-06-2020

The matter has been heard *via* video conferencing due to lockdown imposed on account of the COVID-19 pandemic.

2. Heard Mr. Umesh Kumar, learned counsel for the petitioners and Mr. Pranav Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioners are in custody in connection with Muffasil PS Case No. 207 of 2019 dated 18.05.2019 instituted under Section 366A of the Indian Penal Code.

4. The allegation against the petitioners and others is of abducting the minor daughter of the informant.



5. Learned counsel for the petitioners submitted that the incident is said to have occurred on 04.05.2019 and on the same day, the informant states that she had gone to the house of petitioner no. 1 but the FIR has been lodged on 18.05.2019 i.e., after a delay of 14 days, for which there is no explanation. Learned counsel submitted that the girl herself returned home on 10.07.2019 and she was not recovered from the house of the petitioners. It was further submitted that the statement of the girl under Section 164 of the Code of Criminal Procedure, 1973, was recorded after three days of her coming back on 13.07.2019, in which she has stated about petitioners taking her to Delhi and then bringing her back to Gaya and about the petitioner no. 1, having established physical relationship with her, but the same is tutored version. It was submitted that the medical report discloses the age of the girl as 16-17 years. It was further submitted that it cannot be believed that a person would be taken to Delhi and on the train, she would not raise any cry before the public and that such abduction could take place. It was submitted that the girl living at Delhi two months, without making any attempt to inform any of the neighbour or person at Delhi also shows that the girl had gone with the petitioners on her own free will and there was love affair between the parties. Learned counsel submitted that there is no



witness to the allegation that the petitioners had abducted the girl. It was submitted that the petitioners having no other criminal antecedent are in custody since 31.08.2019.

6. Learned APP, from the case diary, submitted that the girl in her statement, both to the police and before the Court, has stated that the petitioners had abducted her and petitioner no. 1 had also established physical relationship with her, which is supported by the medical report. However, on a query of the Court with regard to the explanation of her delay in lodging of the FIR and there being no explanation as to how for more than two months, the informant was not able to inform any person with regard to such abduction, he submitted that in the investigation, no explanation has come.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Gaya in Muffasil PS Case No. 207 of 2019 subject to the conditions (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii)



that the petitioners shall also give an undertaking to the Court that they shall not indulge in any criminal activity, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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