

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8355 of 2020

Arising Out of PS. Case No.-303 Year-2019 Thana- SARAI District- Vaishali

1. RAM BABU DAS, Son of Late Ramautar Das Resident of Village - Akbar Malahi, P.S.- Sarai, District- Vaishali
2. Rajnish Kumar, Son of Ram Babu Das Resident of Village - Akbar Malahi, P.S.- Sarai, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 8342 of 2020

Arising Out of PS. Case No.-303 Year-2019 Thana- SARAI District- Vaishali

1. LAXMAN SINGH Son of Ram Chandra Singh Resident of Village- Akbar Malahi, P.S.- Sarai, Distt - Vaishali.
2. Lalan Kumar @ Lalan Singh Son of Laxman Singh Resident of Village - Akbar Malahi, P.S.- Sarai, Distt - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 8355 of 2020)

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 8342 of 2020)

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-02-2020 Both petitions arise out of the same P. S Case No. i. e.

Sarai P. S. Case No. 303 of 2019, registered under Sections

363, 366A/34 of the Indian Penal Code in which, petitioner/s

apprehend their arrest and accordingly, they are being heard and



disposed off by this common order.

Heard learned counsels for the petitioners and the State.

The allegation is that one Beauty Kumari, daughter of informant, has gone for shopping on 22.08.2019 whereafter she has not returned raising a suspicion that she might have been kidnapped by one of the co-accused persons, namely, Mukesh Kumar. Co-accused, namely, Mukesh Kumar and all these petitioners in the instant two applications, who are relatives of Mukesh Kumar, have been made accused in the First Information report.

It is submitted by the petitioners' counsel that the said Beauty Kumari is said to be missing since 22.08.2019. The First Information report has been lodged as an afterthought on 24.08.2019. Both Beauty Kumari and Mukesh Kumar (co-accused) were on intimate terms since before and teaching at a school run by co-accused, Mukesh Kumar. The co-accused, Mukesh Kumar is also missing and raising a suspicion that he has been kidnapped, the father of co-accused Mukesh Kumar, namely, Laxman Singh, lodged a complaint case bearing Complaint Case No. 2767 of 2019. It is submitted that merely, on suspicion, the petitioners and their entire family members are apprehending their arrest. The petitioners have no criminal



antecedents and, apparently, since both Beauty Kumari (victim) and Mukesh Kumar (co-accused) are missing it appears that they have gone on their own volition. Even, as per allegation made in the First Information report, there is no ingredient of forcibly taking away Beauty Kumari(victim) as she, on her own volition, had left her home on 22.08.2019.

The learned APP for the State opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, prayer of the petitioners of both the bail applications for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, before the court below, within four (04) weeks from today, they shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the **ACJM-XIII, Vaishali at Hajipur**, in connection with **Sarai P. S. Case No. 303 of 2019**, subject to the conditions as laid down under Section 438(2) Cr. P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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