

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.26006 of 2020**

Arising Out of PS. Case No.-98 Year-2019 Thana- GAIGHAT District- Muzaffarpur

1. MURARI KUMAR @ RAUTION RAJ S/o Shiv Shankar Bhandari @ Shiv Shankar Bhagat Resident of Village-Kanta, P.S.-Gayghat, District-Muzaffarpur.
2. Ankit Malakar @ Ankit Mala S/o Shiv Shankar Bhandari @ Shiv Shankar Bhagat Resident of Village-Kanta, P.S.-Gayghat, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Gautam, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 16-10-2020 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Dr. Mritunjay Kumar Gautam, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Gayghat P.S. Case No. 98/2019, Gr. No. 1856/2019 registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that although in the F.I.R. there is an allegation that the victim girl had been kidnapped on 02.04.2019, the F.I.R. has been lodged three



days after the alleged occurrence. In the F.I.R. there is an allegation that these two petitioners along with one Anand Kumar had gone to the house of the informant and enquired about her daughter. Thereafter the informant told them that she had gone outside for meeting the call of nature and thereafter all the three accused went away with their motorcycle, they reached near the daughter of the informant and then after taking her they fled away.

Learned counsel submits that in the FIR it is stated that the co-accused Anand Kumar had enquired from the informant about her daughter and the informant told him about her daughter because she was studying in his coaching class. So far as these two petitioners are concerned, they have no concern with the daughter of the informant and it is highly improbable that if the informant had seen the accused persons taking away the victim girl and as claimed by her many persons had assembled and they had also chased the accused persons then how the said information would not be furnished to the nearest police station for about three days. It is submitted that in fact the case has been concocted after three days and these two petitioners have been named in the FIR on mere suspicion.

Learned counsel further submits that the victim girl has returned and in her statement she has stated that though these two petitioners were also present while she was forcibly made to sit on



the bike, she has further stated that she had gone to Hajipur Railway Station by Bus and then had gone to Mumbai on Train with co-accused Anand Kumar where she was kept for about six months in a room forcibly and then she had returned with said Anand Kumar on the occasion of Durga Puja. Learned counsel submits that the victim girl has told that she had gone to Mumbai with accused Anand Kumar alone. An affidavit cum declaration has been brought on record to show that both girl and said Anand Kumar have solemnized marriage and they were living together. There is an affidavit to this effect sworn on 16.10.2019 which is a date after making her statement.

Learned A.P.P. for the State has though opposed the prayer for anticipatory bail of the petitioners, considering the facts and circumstances of the case and the statement of the victim girl wherein she has stated that she had gone to Mumbai with said Anand Kumar alone and then she has also sworn an affidavit after that confirming her marriage and that co-accused Shivshankar Bhandari has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr. Misc. No. 7791/2020 on 28.02.2020 (paragraph 13 of the application), let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Gayghat P.S. Case No. 98/2019, Gr. No. 1856/2019 be released on bail on



furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Judge – 16 cum A.C.J.M., East Muzaffarpur, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

