

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23520 of 2020**

Arising Out of PS. Case No.-16 Year-2020 Thana- ROSHANGANJ District- Gaya

1. REETA DEVI Wife of Arjun Yadav Resident of Village - Khaprodh, P.S.- Raushanganj (Bankey Bazar), District - Gaya.
2. Arjun Yadav Son of Mahavir Yadav Resident of Village - Khaprodh, P.S.- Raushanganj (Bankey Bazar), District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Adv.
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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

2 07-10-2020 Learned counsel for the petitioners undertakes to remove the defects within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Raushanganj P.S. Case No.16/2020 registered for the offences punishable under Sections 366(a)/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that so far as these petitioners are concerned, they are the mother and father respectively of the boy Mukesh Kumar and the allegation



against said Mukesh Kumar is that he had taken away the daughter of the informant by alluring her. It is submitted that from the First Information Report itself it will appear that the allegation of taking away the victim girl is only against Mukesh Kumar. It is alleged that when the informant went to the house of said Mukesh Kumar then petitioner no.1 being his mother had abused the informant and did not allow him to enter in the house. The informant raised a doubt that the girl was in the house. It is then alleged that the father of the said Mukesh Kumar had thereafter telephonically called Mukesh and asked them to come to Delhi and said to have told the informant that he may do whatever he wants.

Learned counsel submits that the victim girl has returned her home and in her statement under Section 164 Cr.P.C. she has not levelled any allegation against these petitioners. She has not stated about going to Delhi rather she had gone to Jaipur and it is the contention of learned counsel for the petitioners that the statements of the victim girl do not support the prosecution case as against these petitioners and apparently it seems to be a case of love affair between Mukesh Kumar and the victim girl.

Mr. Akhileshwar Dayal, learned APP for the State has



though opposed the prayer for anticipatory bail of these petitioners, but considering the facts and circumstances of the case in which there is no specific allegation that these petitioners had participated in taking away of the victim girl by said Mukesh Kumar and then the statement of the victim girl as disclosed in paragraph '8' of the application did not support the informant's version as against these petitioners, let the petitioners above-named in the event of their arrest or surrender within a period of four weeks from today in connection with Raushanganj (Bankey Bazar) P.S. Case No.16/2020 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 A.C.J.M., Sherghati, Gaya, 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 learned court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps 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'.

