

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80844 of 2019

Arising Out of PS. Case No.-203 Year-2019 Thana- PUPRI District- Sitamarhi

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MUKESH KUMAR Son of Late Pukar Rai Resident of Village-Temhua, P.S.-
Pupri, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pushpendra Kumar Singh, Adv.
For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 07-07-2020 Heard learned counsel for the petitioner as well as

learned APP through video conferencing.

Daughter-in-law of informant, namely, Radhika Devi,
a major had gone missing on 11.05.2019 at about 4:00 AM
while she had gone to meet the nature's call. It has also been
disclosed that during course of search one person claimed who
have seen Vinay Rai, Mukesh Rai (petitioner), Indresh Rai,
Radha Kumari and Rakesh Rai, all co-villagers taking away the
victim on a tempo.

From perusal of the case diary, it is evident that
identity of the person who disclosed the event to the prosecution
party could not be ascertained, in likewise manner, the driver of
the tempo and registration no. of the tempo. Not only this, there
also happens to be delay of 11 days. Victim has been recovered
from a temple as is evident from para-24 of the case diary and



her statement under Section 164 CrPC was recorded which is enumerated under para-27 of the case diary and after going through the same, it is evident that neither she was enticed away nor there was any effort at the end of any of the accused to kidnap/abduct rather, she being newly married missed the path, whereupon, proceeded in a wrong direction and in the aforesaid background, one girl took her to her house where she stayed for three days and during course thereof, Vinay, Mukesh had threatened. When her family members came in search of her, she was kept concealed. Vinay Rai had said to marry her. After institution of this case, she had been left at the station. That means to say, there happens to be inconsistency in the manner of occurrence.

Furthermore, the prosecution case became also doubtful in the background of the fact that after eleven days, the case has been registered while the victim has disclosed that she was kept only for three days. Apart from this, the petitioner is not at all involved in any way save and except, he and Vinay Rai kept her for three days.

However, after considering the materials in its totality, petitioner, **Mukesh Kumar** is directed to be released on bail in the event of arrest or surrender within four weeks on furnishing



bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of *Sub-divisional Judicial Magistrate, Pupri, Sitamarhi* in *Pupri PS Case No. 203/2019*, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Aditya Kumar Trivedi, J)

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