

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 79076 of 2019

Arising Out of PS Case No.-229 Year-2019 Thana- BARAUNI District- Begusarai

1. Randhir Kumar, aged about 18 Years (Male), Son of Shankar Yadav.
2. Dharamveer Kumar @ Dharamveer Yadav, aged about 18 Years (Male) Son of Devendra Yadav.
3. Mithilesh Kumar, aged about 18 Years (Male) Son of Meto Yadav.
All above Sl. Nos. 1 to 3 are residents of Village - Kasha, P.S. - Barauni (O.P. Chakiya), District – Begusarai.
4. Shyamdev Yadav, aged about 35 Years (Male) Son of Baudhu Yadav.
5. Kapildev Yadav, aged about 48 Years (Male) Son of Baudhu Yadav.
6. Kamdev Yadav, aged about 35 Years (Male) Son of Baudhu Yadav.
All above Sl. Nos. 4 to 6 are residents of Village - Tajpur Diyara, P.S.- Balia, District – Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners No. 2 to 6 : Mr. Umesh Kumar, Advocate

For the State : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 07-10-2020

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

2. Heard Mr. Umesh Kumar, learned counsel for petitioners no. 2 to 6 and Mr. Kumar Veerendra Narayan, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.



3. As petitioner no. 1 was arrested, the application on behalf of him has already stood withdrawn earlier.

4. The petitioners no. 2 to 6 apprehend arrest in connection with Barauni (Chakiya OP) PS Case No. 229 of 2019 dated 02.06.2019, instituted under Sections 341, 342, 323, 504, 506, 363 and 365 of the Indian Penal Code.

5. As per the allegation, the informant was abducted by the accused and forcibly married to the daughter of petitioner no. 5.

6. Learned counsel for the petitioners no. 2 to 6 submitted that the allegation is false as the marriage was performed in the presence of the family members of the informant and because of non-fulfillment of demand of motorcycle as dowry, the present false case has been instituted. Learned counsel submitted that the marriage took place on 30.05.2019, but the written complaint was given on 01.06.2019 and the FIR was lodged on 02.06.2019. It was submitted that there is no explanation of the delay in filing of the FIR by the informant. It was further submitted that as per the allegation itself, the informant is said to have been kidnapped at 12.00 noon on 30.05.2019 and thereafter, the marriage was performed on the same day at 9.00 PM and he had stayed in the house of the girl



and only in the morning of 31.05.2019, he was able to escape and reach his home but still no complaint was made by the family members of the informant to trace him if he had not returned to his house after 12.00 noon on 30.05.2019 and even after his return in the morning on 31.05.2019, no attempt was made to lodge any complaint before any authority. Learned counsel submitted that though in the FIR, it has been stated that the informant had got treated at Sadar Hospital, Begusarai but no injury report has been brought on record or produced before the police in the investigation. Learned counsel submitted that the petitioners no. 4, 5 and 6 being resident of another village, the informant having given details of them and also the name of the girl clearly reveals that all the family members of the girl were known to the informant which indicates that the story of abduction and forced marriage is totally false. It was submitted that because the family members of the informant became greedy and demanded dowry, they did not take the daughter of the petitioner no. 5 to the matrimonial home and due to their pressure, the informant has concocted a false story of abduction and forced marriage. Learned counsel submitted that the petitioners no. 4 and 6 are the uncles of the bride and petitioners no. 2 and 3 are co-villagers of the informant and have been made accused only because they are



distantly related to the family of the bride. It was submitted that the petitioners have no criminal antecedent and further that similarly situated co-accused Manibhushan Kumar @ Manish Kumar has been granted anticipatory bail by a co-ordinate Bench in Cr. Misc. No. 59283 of 2019, by order dated 19.09.2019.

7. Learned APP, from the case diary, submitted that the prosecution story has been supported by witnesses. However, he did not controvert that all witnesses are relatives of the informant and no injury report has been brought on record and further that there is also no explanation for the delay and why the family members of the informant had not taken any steps if he had not returned home after 12.00 noon on 30.05.2019 and had come back only in the morning of 31.05.2019.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners no. 2 to 6 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 Chief Judicial Magistrate, Begusarai in Barauni (Chakiya OP) PS Case No. 229 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure,



1973 and further, that one of the bailors shall be a close relative of the petitioners no. 2 to 6.

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

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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