

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82150 of 2019

Arising Out of PS. Case No.-2 Year-2018 Thana- MAHESI District- East Champaran

BIRENDRA RAI, Son of Late Nathuni Rai, Resident of Village - Mithanpura,
P.S.- Mehsi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anang Mohan Sinha
For the Opposite Party/s : Mr.Bharat Lal

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 13-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 363, 366, 504, 506 of the Indian Penal Code.

Prosecution case in brief is that occurrence on 01.01.2018, the informant lodged a case before Mehsi P.S. on 27.12.2017 vide Mehsi P.S. Case No. 2/18 while the family members of the informant had been to their agricultural land, in the meantime the accused Brajesh Kumar, Diplal Rai, Radhika Devi with an intention to marry, abducted the minor daughter namely Sarita Kumari, aged about 12 years. After being in knowledge, on 28.12.2017, when the informant went to the house of the accused Rajesh Kumar. The accused Rajesh Kumar



was not found. Then the informant enquired about her daughter from the accused Diplal Rai then the accused petitioner Birendra Rai, Dayal Rai, Uma Shankar Rai, Sudhi Devi, Shakila Devi forced him to leave the place site accusing him and they also threatened to not to hand over the daughter. They also threatened to kill. It is further alleged in the FIR that the accused persons may any illegal act against the victim girl.

Learned counsel for the petitioner submits that the date of occurrence is 27.12.2017 and case was lodged on 01.01.2018 after lapse of four days. The statement under Section 164 Cr.P.C. of the victim girl on 05.01.2018 that Birendra and one another person kidnapped her 4 to 5 days ago and kept her 5 days thereafter left her near Nathali. This statement creates doubt about of this case because informant stated in FIR on 01.01.2018 that when he went the house of the accused then petitioner was present on his home and petitioner Birendra Rai, Naval Rai, Uma Shankar Rai, Budhi Devi and Shakila Devi abused and threatened him and told they will not leave her daughter at any cost. There is land dispute between the parties.

In the aforesaid facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of six weeks



from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI at Motihari in connection with Mehsi P.S. Case No. 02 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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