

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85642 of 2019

Arising Out of PS. Case No.-161 Year-2019 Thana- GORIAKOTHI District- Siwan

1. SRI BHAGWAN YADAV @ SRI BHAGWAN RAI, Son of Late Hiranman Yadav Resident of Village- Mustafabad Tole Bahernara, P.S.- Goreyakothi, District- Siwan.
2. Awadhesh Rai @ Awadhesh Yadav, Son of Sri Bhagwan Yadav Resident of Village- Mustafabad Tole Bahernara, P.S.- Goreyakothi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Kumar, Advocate
For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 16-06-2020 The petitioners seek bail in anticipation of their arrest in connection with Goreyakothi P. S. Case No. 161 of 2019 dated 03.09.2019 instituted for the offences under Sections 363, 366A and 34 of the Indian Penal Code.

After about 67 days of the occurrence, the subject F.I.R. is said to have been registered. The informant has alleged that his 17 years old daughter was kidnapped when she had gone to attend to the call of nature.

It has further been alleged that the petitioners including one Ankit Kumar have kidnapped his unmarried minor daughter for the purposes of marriage or for selling



her in the market.

Learned counsel for the petitioners has pointed out that the petitioners are the uncles of the aforesaid Ankit Kumar who also has gone missing. It could be a case of elopement of the daughter of the informant along with the aforesaid Ankit Kumar. The petitioners have got no concern whatsoever with the affairs of Ankit Kumar and they have been made accused in this case merely because of their standing in some relation with the aforesaid Ankit Kumar.

Apart from this, it has been urged that if the minor daughter of the informant had gone missing, there was no reason for the informant to have waited for 67 days to lodge the F.I.R.

There is yet another aspect to the story. The aforesaid Ankit Kumar also is stated to be the cousin of the victim.

It therefore appears that there is some anger of the informant for his daughter running away with a distant relative. This is perhaps the reason for implicating most of the family members of the aforesaid Ankit Kumar.



Considering the aforesaid facts, the petitioners, above-named, are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Goreyakothi P. S. Case No. 161 of 2019, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

However, it is made clear that if the girl is recovered and she makes any statement which belies the statement made by the petitioners, it would be open for the State to move the court below for cancellation of bail, which shall be considered on its own merits.

(Ashutosh Kumar, J)

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