

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.12305 of 2021**

Arising Out of PS. Case No.-65 Year-2020 Thana- GARDANIBAG District- Patna

- 
1. Kalawati Devi, aged about 53 years, female, W/o Suresh Manjhi.
  2. Balam Manjhi, aged about 25 years, male, Son of Suresh Manjhi.
- Both are resident of Village - Yarpur Jogia Tola (Yogiya Tola), Shivajee Path, P.S.- Gardanibagh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

---

**Appearance :**

For the Petitioner/s : Mr. Nityanand Kumar, Adv.

For the Opposite Party/s : Mr. APP

---

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      23-12-2021                      Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Gardanibagh P.S. Case No. 65 of 2020, dated 04.02.2020, instituted for the offences under Sections 323, 341, 365 and 34 of the Indian Penal Code.

The informant has alleged that petitioner No. 1 always fought with her and that both the petitioners have abducted her younger son.

It has been submitted on behalf of the petitioners that the accusation in the F.I.R. is absolutely vague. The



victim boy has given his statement under Section 164 Cr.P.C. in which the story narrated by him is not at all believable. He has stated that he was pressurized by petitioner No. 1 to sit in her liquor shop. Whenever he refused, the petitioner No. 1 fought with him and his mother. On one day, he was abducted and made to eat some intoxicant mixed food which made him unconscious. When he regained consciousness, he found himself in a hut. Some of the accused persons, whom he did not identify, used to assault him after getting intoxicated. One one day, finding those persons who were guarding him to be asleep, he managed to run away. However, he did not come back home but went to Gujarat where he worked for about six months. After his return from Gujarat, the aforesaid statement was made by him.

The counsel for the petitioners has submitted that from the allegation levelled in the F.I.R. and the statement made by the so-called victim under Section 164 Cr.P.C., it would appear that no such occurrence had ever taken place. There could be some dispute between the petitioners and the



informant, but it appears that the son of the informant who is alleged to have been abducted had himself gone out of his home to work for his livelihood at Gujarat. Taking advantage of his absence from his home, the subject F.I.R. has been lodged.

Regard being had to the peculiar circumstances revealed in this case, the petitioners, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-XIV, Patna in connection with Gardanibagh P.S. Case No. 65 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

**(Ashutosh Kumar, J)**

Praveen-II/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

