

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23042 of 2021

Arising Out of PS. Case No.-379 Year-2018 Thana- MOTIHARI MUFASIL District- East
Champaran

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1. SUDAMA RAI @ BHAGAT S/O LATE KODAI BHAGAT @ KODAI RAI
RESIDENT OF VILLAGE PATPARIA, P.S-MUFASSIL MOTIHARI,
DISTRICT-EAST CHAMPARAN.
 2. DHARMENDRA KUMAR @ DHARMENDRA KUMAR YADAV @
DHARMENDRA YADAV S/O SUDAMA RAI @ BHAGAT RESIDENT
OF VILLAGE PATPARIA, P.S-MUFASSIL MOTIHARI, DISTRICT-EAST
CHAMPARAN.
 3. NAGENDRA SAH S/O LATE JEETA SAH RESIDENT OF VILLAGE
PATPARIA, P.S-MUFASSIL MOTIHARI, DISTRICT-EAST
CHAMPARAN.
 4. MANIKUNDAL KUMAR @ MANI KUNDAL KUMAR S/O RAJESH
SAH RESIDENT OF VILLAGE PATPARIA, P.S-MUFASSIL MOTIHARI,
DISTRICT-EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-10-2021 Heard the parties.

The petitioners seek bail in connection with Muffasil P.S.
Case No.379 of 2018, registered for the offence punishable under
Sections 363, 366 (A), 34 of the Indian Penal Code.

The prosecution case in short is that the daughter of
informant has went to attend the call of nature on 30.06.2018 but
did not return. It is alleged that on 27.06.2018, one Dhananjay
Kumar and his friends threatened to kill him and kidnap his
daughter. Parents of Dhananjay Kumar assured that his daughter



will be in her house soon.

Learned counsel for the petitioners submits that petitioners are quite innocent and have not committed any offence as alleged in the FIR. They are simply a victim of false implication in the case, just because the informant was not liking relationship of her daughter with Dhananjay Kumar. There is general and omnibus allegation against the petitioners and the specific allegation is against the said Dhananjay Kumar of committing rape upon the victim. Charge has been framed against the petitioners. The petitioners have no criminal antecedent and have been languishing in custody since 18.01.2021.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of this case, since the specific allegation is upon the co-accused, the above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Motihari, East Champaran, in connection with Muffasil P.S. Case No.379 of 2018, subject to the following conditions:

(1) One of the bailors of each petitioners will be own close relative of the petitioners who will give on affidavit



genealogy as to how they are related to petitioners. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(2) The bailors shall also state on affidavit that they will inform the court concerned if the petitioners are made accused in any other case of similar nature after their release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioners shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, their bail bonds shall be liable to be cancelled by the court concerned.

(4) The petitioners shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioners shall appear before the Police Station of their local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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