

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14965 of 2020

Arising Out of PS. Case No.-203 Year-2019 Thana- RAJAOLI District- Nawada

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1. Lakhan Rajvanshi, aged about 50 years (Male), Son of Late Banshi Rajvanshi Resident of Village-Chamotha, P.S.-Rajauli, District-Nawada.
 2. Mosafir Rajbanshi, aged about 57 years (Male), Son of Late Banshi Rajbanshi Resident of Village-Chamotha, P.S.-Rajauli, District-Nawada.
 3. Asha Devi, aged about 35 years (Female), Wife of Mukesh Rajbanshi Resident of Village-Chamotha, P.S.-Rajauli, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 02-03-2021 Heard learned counsel for the petitioners and learned
counsel for the State.

Learned counsel for the petitioners submits that during pendency of this application, the petitioner no.2, namely, Mosafir Rajbanshi, has been arrested.

In that view of the matter, this application, as against the petitioner no.2, stands dismissed as having become infructuous and this order will remain confined only to the petitioner nos. 1 & 3.

In this case, the petitioners are apprehending their arrest in connection with Rajauli P.S. Case No. 203 of 2019



registered for offences under sections 366(A)/34 of the Indian Penal Code.

The prosecution story in short is that on 9.6.2019 at about 3 pm, the daughter of the Informant, Suman Kumar, was going to meet the call of nature, on the way, the accused persons forcibly kidnapped her.

The statement of the victim lady made under Section 164 of the Cr.P.C. shows that while she was taking meal at her home, the accused persons, namely, Lakshmi Devi, Asha Devi, Lalita Devi, Santosh Kumar, Musafir Rajvanshi, Lakhan Rajvanshi, Sanjay Rajvanshi, Vijay Rajvanshi, Mukesh Rajvanshi and Raja Kumar came at her house, kidnapped her and taken to Pakribarawan where she was made unconscious, when she regain her conscious, she found herself at different place and carried to Delhi. They dropped her at the bus stand and she started to weeping. Therefore, one old person came there and asked about her and took her to his house where she worked for three months and, thereafter, returned to her parents.

In the statement made under Section 164 Cr.P.C., the victim girl has not made an allegation of any physical assault against the kidnappers.

Looking to the entire facts and circumstances of the



case, let the petitioner nos. 1 & 3, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada in connection with Rajauli P.S. Case No. 203 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioners for investigation/interrogation, they will remain present and if they would not present themselves, the privilege of grant of anticipatory bail shall be deemed to have been canceled. It is also made clear that if the petitioner is repeats the similar offence in future, the prosecution will be at liberty to file an application for cancellation of the bail.

(Shivaji Pandey, J)

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