

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27062 of 2020

Arising Out of PS. Case No.-226 Year-2019 Thana- GAIGHAT District- Muzaffarpur

1. BAJRANGI RAI S/o Late Raghubir Rai Resident of Village-Hanuman Nager, P.S-Gaighat, District-Muzaffarpur.
2. Subash Rai S/o Late Raghubir Rai Resident of Village-Hanuman Nager, P.S-Gaighat, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar, Advocate

For the Opposite Party/s : Mrs. Anita Kumari Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 22-02-2021 Heard the learned counsel for the petitioners and Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Gaighat (Benibad OP) P.S. Case No. 226 of 2019 for the offence registered under Sections 363, 364, 365, 366, 368 and 120(B) of the Indian Penal Code.

The allegation levelled by the prosecution is regarding the son of the petitioner no. 2 having kidnapped the victim girl and subsequently when the informant had gone to the house of the petitioner, he was threatened that her daughter would be killed.

The learned counsel for the petitioners has submitted



that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners has submitted that the fact is that the son of the petitioner no. 2 has already solemnized marriage with the victim girl and they are living a happy conjugal life.

Per contra, the learned A.P.P. for the State Mrs. Anita Kumari Singh has though opposed the prayer for bail but has submitted that the victim girl in her statement made under Section 164 Cr.P.C. has submitted that she was not kidnapped and she had voluntarily fled away with the son of the petitioner no. 2 to Delhi where they have solemnized marriage and are leading a happy married life.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials on record as also those available in the case diary, apart from taking into account the statement made by the victim girl under Section 164 Cr.P.C. before the learned Magistrate, it is apparent that the victim girl is a major and she has voluntarily eloped with the son of the petitioner no. 2, whereafter they had solemnized



marriage and are leading a happy married life, hence I find that as far as the petitioners are concerned, prima facie they have no complicity in the matter, thus I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., 15th, Muzaffarpur in connection with Gaighat (Benibad OP) P.S. Case No. 226 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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