

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28827 of 2020

Arising Out of PS. Case No.-3 Year-2020 Thana- AKBARNAGAR District- Bhagalpur

1. RIMJHIM KUMARI Daughter of Niraj Rajak Resident of Village- Damodarpur, P.S.- Akbarnagar, District- Bhagalpur.
2. Tusha Devi Wife of Mithilesh Rajak Resident of Village- Damodarpur, P.S.- Akbarnagar, District- Bhagalpur.
3. Sudha Devi Wife of Kamdev Rajak Resident of Village- Damodarpur, P.S.- Akbarnagar, District- Bhagalpur.
4. Rinku Devi Wife of Bhushan Rajak Resident of Village- Damodarpur, P.S.- Akbarnagar, District- Bhagalpur.

.. ... Petitioner/s

Versus

The State of Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s : Dr. Mrityunjay Kr. Gautam

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 27-01-2021 Heard the learned counsel for the petitioners and
Dr. Mrityunjay Kr. Gautam, the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Akbarnagar PS case no. 03 of 2020 registered for the offences punishable under Sections 363, 366/34 of Indian Penal Code.

The case of the prosecution in brief is that the minor daughter of the informant had gone to College on 25.12.2019 but when she did not return till night, search was made and it was found that one co-villager namely Putul Rajak along with the friend of the victim girl namely Rimjhim Kumari had kidnapped the daughter of the informant for the purposes of



marrying her with Putul Rajak.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having clean antecedent. The learned counsel for the petitioners has further submitted that as far as petitioner no. 1 is concerned, she is the friend of the victim girl whereas the petitioner no. 2 is the sister and petitioner no. 3 is the mother of the boy who is alleged to have kidnapped the victim girl. It is further submitted that as far as petitioner no. 4 is concerned, she is stated to be the relative of the boy who is alleged to have kidnapped the victim girl, thus it is submitted that if at all anybody is having any complicity in the matter, it is the son of the petitioner no. 3. Nonetheless, the learned counsel for the petitioners has submitted that the petitioners are ready to abide by such conditions as are imposed upon them for the purposes of the present case.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also the materials available in the case diary, this



Court finds that it would be in the interest of justice to admit the petitioners no. 1, 2 and 4 to the privilege of anticipatory bail, subject to certain conditions which are being enumerated hereinbelow. However as far as petitioner no. 3 is concerned, I find that she is the mother of the boy who is alleged to have kidnapped the victim girl and the victim girl is still traceless, hence I do not find any reason to admit her to the privilege of anticipatory bail, nonetheless, in case the son of the petitioner no. 3 surrenders before the learned court below, the petitioner no. 3 is granted liberty to approach this Court for renewal of her prayer for grant of anticipatory bail. Accordingly, the prayer of the petitioner no. 3 for grant of anticipatory bail is rejected for the moment.

Consequently, the petitioners no. 1, 2 and 4, 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, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Bhagalpur in connection with Akbarnagar PS case no. 03 of 2020 subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.



This Court further directs that since the investigation of the present case is going on, the petitioners no. 1, 2 and 4 herein shall appear before the Officer-in-charge of the concerned police station on each and every Monday of the week at 10.00 AM and co-operate with the Investigating Officer and in case of two consecutive defaults in appearing before the said Officer-in-charge, the present privilege of bail being granted to the petitioners no. 1, 2 and 4 herein shall stand cancelled automatically and the petitioners no. 1, 2 and 4 would be taken into custody forthwith.

(Mohit Kumar Shah, J)

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