

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31458 of 2020

Arising Out of PS. Case No.-438 Year-2019 Thana- RAJAOLI District- Nawada

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1. BINAY KUMAR Son of Syam Sunder @ Syam Sunder Saw Resident of Village- Parmchak, P.S.- Rajaluli, District- Nawada.
 2. Syam Sunder @ Syam Sunder Saw Son of Late Rambalak Saw Resident of Village- Parmchak, P.S.- Rajaluli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vishwa Ranjan Choudhary, Adv.
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 16-03-2021 Heard Mr. Vishwa Ranjan Choudhary, learned counsel for the petitioner and Mr. Brajendra Nath Pandey, Additional Public Prosecutor for the State.

2. Petitioners apprehend their arrest in connection with Rajauli PS Case No. 438/2019 registered for the offence punishable under Sections 366(A) of the IPC.

3. The allegation, as per First Information Report, is that the minor daughter of the informant was kidnapped by the petitioners and others.

4. Learned counsel for the petitioners submits that petitioner no.1 is cousin brother of the victim girl and petitioner no.2 is the uncle and they have not committed any offence in the manner alleged. Learned counsel further submits that the



alleged occurrence took place on 15.12.2019 but the FIR has been lodged on 23.12.2019. Learned counsel next submits that the victim girl eloped with some other person out of her own free will and the petitioners have falsely been implicated due to family dispute.

5. This Court *vide* its order dated 10.02.2021 called for a report from Superintendent of Police, Nawada regarding steps taken by the police authority for recovery of the victim girl and in pursuance thereof, a report *vide* letter no. 226 dated 13.03.2021 has been submitted by the S.P. Nawada stating therein that Rajauli Police constituted a team for recovery of the kidnapped girl and the police recovered the said girl from a Village-Kulhenda, PS- Majhgawan, District-Hamirpur (Uttar Pradesh) and brought her to Rajauli Police Station on 09.03.2021. After recovery of the girl, her statement under Section 161 CrPC was recorded by the IO of the case, in which, she has stated that two years ago while she was making call to her sister, the call mistakenly connected to a boy of UP, namely, Ashok Kumar instead of her sister. Thereafter, both started talking to each other and ultimately, on 15.12.2019, the boy was called at Nawada by the victim girl from where she along with the said boy i.e., Ashok Kumar went to Delhi and after some days, she



married with the Ashok Kumar son of Raja Ram, R/O, Village-
Kulhenda PS. Majhgawan, Distt-Hamirpur (UP) and since then,
both are living together as husband and wife.

6. Having regard to the aforesaid circumstances, I
am inclined to grant anticipatory bail to the petitioners.

7. Accordingly, petitioners, above named, shall be
released on anticipatory bail, in the event of arrest or surrender
within six weeks, 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 PS Case No. 438/2019, subject to the
conditions as laid down under Section 438(2) CrPC.

8. It is made clear that at the time of furnishing bail
bonds all the parties shall follow the guidelines of social
distancing.

(Anil Kumar Sinha, J)

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