

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31983 of 2020**

Arising Out of PS. Case No.-171 Year-2019 Thana- SIMRI District- Darbhanga

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1. Ram Vinay Singh, son of Late Mehendra Prasad Singh, Male, aged about 62 years.
 2. Vivek Kumar Singh, son of Ram Vinay Singh, Male, aged about 30 years.
Both resident of Village - Kumarpatti, P.S.- Simri, District - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Mallik, Advocate
For the State	:	Mr. Raj Kishore Singh, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 18-05-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Pramod Kumar Mallik, learned counsel for the petitioners and Mr. Raj Kishore Singh, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioners apprehend arrest in connection with Simri PS Case No. 171 of 2019 dated 26.09.2019, instituted under Sections 147, 363, 366-A and 120-B of the Indian Penal Code.

4. The allegation against the petitioners is that they, along with others, had abducted the minor daughter of the



informant for the purpose of marrying her.

5. Learned counsel for the petitioners submitted that they are the father and the brother of co-accused, Prince Kumar Singh, who was having love affairs with the daughter of the informant and both of them had fled away in which they have no role. It was submitted that the girl and co-accused, Prince Kumar Singh, were kept by the villagers at the house of local *Sarpanch* where the police had arrived and Prince Kumar Singh was arrested and the girl was handed over to her parents. Learned counsel submitted that in the supervision note, the Deputy Superintendent of Police has clearly indicated such fact. It was submitted that in such view of the matter, the police had not sent up the petitioners for trial and had submitted charge-sheet against other co-accused, but the Court has still taken cognizance against the petitioners also. It was submitted that even the Medical Report opines that the girl was aged between 16-17 years, which clearly shows that she was major as there can be margin of two years, which clearly would make her more than 18 years on the date of the occurrence. Learned counsel submitted that the petitioners have no criminal antecedent.

6. Learned APP submitted that though the Court had asked for obtaining the up-to-date legible copy of the case diary,



but the same has been received in the Court. However, he submitted that all the accused have abducted the minor daughter of the informant.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Darbhanga, in Simri PS Case No. 171 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of their bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

9. The application stands disposed off in the



aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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