

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1292 of 2021

Arising Out of PS. Case No.-89 Year-2018 Thana- PATEPUR District- Vaishali

1. Sarojani Nzyadu W/o Sanjeev Kumar Rai R/o Village Mauda Chatur, P.S. Patepur, District - Vaishali.
2. Rampayare Rai S/o Subelal Rai, R/o Village Mauda Chatur, P.S. Patepur, District - Vaishali.
3. Ramprit Rai, S/o Subelal Rai, R/o Village Mauda Chatur, P.S. Patepur, District - Vaishali.
4. Mohan Kumar @ Mohan Rai, S/o Bilash Rai, R/o Village Mauda Chatur, P.S. Patepur, District - Vaishali.
5. Anil Rai, S/o Narayan Rai, R/o Village Mauda Chatur, P.S. Patepur, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar- Advocate
For the Opposite Party/s : Ms. Madhuri Lata- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 08-07-2021 Heard Mrityunjay Kumar, the learned Advocate for the petitioners and Ms. Madhuri Lata, the learned APP for the State.

The application with respect to petitioner nos.2, 4 and 5 have become infructuous as they have been arrested.

The petitioner nos.1 and 3 seek bail in anticipation of their arrest in connection with Patepur P. S. Case No.89 of 2018, instituted for the offences under Sections 363, 366(A)/ 34 of the Indian Penal Code and section 4/ 6 of POCSO Act.



According to the F.I.R., the minor daughter of the informant never returned after going out of the house for attending her coaching classes. The informant suspected the hands of the petitioners.

The learned Advocate for the petitioner nos.1 and 3 has submitted that they have not been specifically named in the F.I.R. They are only said to be the villagers of the informant. The victim has given her statement under Section 164 of the Cr.P.C. in which she has claimed her age to be 18 years. She has narrated her story that she was kidnapped by some accused persons and was kept in Mumbai where she was pressurized to marry one boy. However, she was not willing to take the name of aforesaid boy as he helped her in coming out of the captivity of those persons in Mumbai.

The learned Advocate for the petitioner nos.1 and 3 has also drawn the attention of this Court to the fact that the victim girl has specifically stated that since her parents had some differences with the petitioners, they have unnecessarily been framed in this case.

The learned Advocate for the petitioners has submitted that in fact, the victim had developed relationship with one Abhishek Kumar, a neighbor of her aunt and she did



not want to disclose her relationship with aforesaid Abhishek Kumar.

Regard being had to the facts afore-stated and that the victim has clearly explained the reason for false implication of the accused persons including the petitioner no.1, Sarojani Nayadu and petitioner no.3, Ramprit Rai, above-named, they in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Patepur P. S. Case No.89 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

vikash/-

U		T	
---	--	---	--

