

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 35482 of 2020

Arising Out of PS Case No.-142 Year-2020 Thana- SITAMARHI District- Sitamarhi

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1. Jai Kishore @ Jai Kishore Singh, Male, aged about 40 years, Son of Late Chandeshveri Prasad Singh.
 2. Mausam Devi @ Masum Kumari @ Pooja Kumari, Female, aged about 25 years, wife of Jai Kishore @ Jai Kishore Singh.
Both Resident of Village-Ratanpur, Ward No. 13, PS-Majorganj, District-Sitamarhi, at present residing at Ward No. 1, Vinama Tola, Mehsaul Pashchimi, PS-Sitamarhi, District-Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pushpendra Kumar Singh, Advocate
For the State	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 29-06-2021

The matter has been heard *via* video conferencing.

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

3. The petitioners apprehend arrest in connection with Sitamarhi PS Case No. 142 of 2020 dated 29.02.2020, instituted under Sections 363, 366A and 372/34 of the Indian Penal Code.

4. The allegation against the petitioners is that they were party to the abduction of the minor grand-daughter of the



informant and it is alleged that the same was for the purpose of immoral trafficking or to kill her.

5. Learned counsel for the petitioners submitted that the petitioner no. 1 is the husband of the sister of Satyam Kumar and petitioner no. 2 is the sister of Satyam Kumar and they have no role in the affairs of Satyam Kumar as the main allegation is against him. It was submitted that Satyam Kumar and the girl were in love and that Satyam Kumar used to visit the house of the informant without any objection. Learned counsel submitted that the petitioners have no concern with the affairs of Satyam Kumar and have no criminal antecedent.

6. Learned APP submitted that the girl after having been recovered, has recorded her statement before the Court under Section 164 of the Code of Criminal Procedure, 1973 in which she has clearly stated that the petitioners were also party to her abduction when she was forcibly taken away from her house. It was submitted that the role of the family members of the boy is always there as without their support, no person would be able to manage such forced abduction with ulterior motives. It was further submitted that the girl being a minor, the petitioners being adults and mature persons and being the sister and brother-in-law of Satyam Kumar, it was their responsibility to have intervened and



prevented such abduction of a minor girl knowing full well the consequences and not doing so clearly indicates that they had an active role in the occurrence.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioners.

8. Accordingly, the application stands dismissed.

9. However, in view of submission of learned counsel for the petitioners, it is observed that in the event the petitioners appear before the Court below and pray for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

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