

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39025 of 2020

Arising Out of PS. Case No.-277 Year-2019 Thana- BASANTPUR District- Siwan

1. GOLU RAI ALIAS SHAILESH RAI ALIAS GOLU KUMAR SON OF DEVNATH RAI RESIDENT OF VILLAGE- BASANTPUR AHIR TOLA, P.S.- BASANTPUR, DISTRICT- SIWAN.
2. MEERA DEVI WIFE OF DEVNATH RAI RESIDENT OF VILLAGE- BASANTPUR AHIR TOLA, P.S.- BASANTPUR, DISTRICT- SIWAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kundan Kumar, Adv.
For the Opposite Party/s : Mr. B.N.Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 31-05-2021 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and the learned A.P.P. for the State, Sri B. N. Pandey.

This is an application for grant of anticipatory bail in connection with Basantpur P.S. Case No.



277 of 2019 registered for the offence punishable under Sections 341, 323, 447, 363, 366-A, 504, 506, 34 of the Indian Penal Code and Section 8 of the POCSO Act.

The allegation is regarding the accused persons including the petitioners herein having kidnapped the victim girl.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having clean antecedent. The learned counsel for the petitioners has referred to the statement of the victim girl, made under Section 164 Cr.P.C. before the learned Magistrate, to show that the victim girl has not made any sort of allegations as against the petitioners herein and it has been merely stated that she has solemnized marriage with the co-accused person, namely, Manish Rai and they have been living as wife and husband. It is also submitted that the said Manish Rai has already been granted the privilege of regular bail by a



coordinate Bench of this Court vide order dated 28.02.2020 passed in Criminal Miscellaneous No. 12170 of 2020.

Per contra, the learned APP for the State, Sri B. N. Pandey, 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 petitioners and taking into account the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate, wherein no allegations have been leveled against the petitioners, apart from the fact that the main accused person has already been granted the privilege of regular bail, I deem it fit and proper to enlarge the petitioners above named, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten



thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Basantpur P.S. Case No. 277 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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