

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 37755 of 2020

Arising Out of PS. Case No.-382 Year-2020 Thana- MAHUA District- Vaishali

Santosh Kumar, aged about 28 years, Male Son of Ramkishun Ray, Resident of Village- Chakkaji Nijam, PS- Mahua, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan No. 2, Advocate
For the State : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-07-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Rajeev Ranjan No. 2, learned counsel for the petitioner and Mr. Bharat Bhushan, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Mahua PS Case No. 382 of 2020 dated 06.07.2020, instituted under Sections 366, 370 and 379/34 of the Indian Penal Code.

4. As per the FIR, the petitioner along with his family members is said to have kidnapped the wife of the informant along with her two sons aged 7 years and 5 years and also taking away ornaments and cash worth Rs. 2 lakhs.

5. Learned counsel for the petitioner submitted that the allegation is totally false and concocted as no such incident took



place. It was submitted that the wife of the informant has appeared before the Court below and her statement under Section 164 of the Code of Criminal Procedure, 1973 was recorded, copy of which has been made Annexure-2 to the present petition, in which she has categorically stated that the informant used to assault her and also did not give her any maintenance due to which she was leaving his house and thereafter, she had married the petitioner in Court and was living with him. Learned counsel submitted that the lady is living happily and peacefully with him, as his wife, in his house along with her two children.

6. On a query of the Court to learned counsel for the petitioner as to how his *bona fide* can be tested with regard to his conduct with the wife of the informant, it was submitted that he has taken instructions and the Court may record his categorical stand that the petitioner shall keep the lady as his wife with him along with her two children with full dignity, honour and security and shall also take care of all their needs.

7. Learned APP submitted that in view of the statement of the so-called victim lady and the categorical stand taken by learned counsel for the petitioner, the Court may take a sympathetic view in the matter.



8. 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 petitioner be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Vaishali at Hajipur in Mahua PS Case No. 382 of 2020, 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 petitioner and (ii) that the petitioner shall co-operate with the police/prosecution and the Court. Failure to co-operate shall lead to cancellation of his bail bonds. Further, if there is any violation of the undertaking given by learned counsel for the petitioner as noted above, which shall also form part of the conditions for grant of bail, the same shall also lead to cancellation of his bail bonds.

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



10. The petition stands disposed off in the
aforementioned terms.

(Ahsanuddin Amanullah, J.)

P. Kumar

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