

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 895 of 2021**

Arising Out of PS. Case No.-5 Year-2020 Thana- ARER District- Madhubani

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1. NAND LAL RAUT Son of Late Malhu Raut Resident of Village- Nagwas, P.S.- Arer, Distt- madhubani.
 2. Raushan Kumar Son of Nand lal Raut Resident of Village- Nagwas, P.S.- Arer, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Ms Meena Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 22-03-2021 Heard learned counsel for the petitioners and the learned APP for the State.

The petitioners seek bail in Arer Police Station (for brevity, *PS*) Case No 5 of 2020 dated 10.01.2020 instituted for the offence punishable under Sections 363, 366A/34 of Indian Penal Code.

There is allegation that co-accused Rohit Kumar along with the petitioners and other family members have called informant's daughter and concealed her.

Learned counsel for the petitioners submits that the allegation of taking away the informant's daughter is alleged on 09.12.2019. However, the First Information Report has been



lodged on 10.01.2020. In fact, there was intimate relations of the informant's daughter with co-accused Rohit Kumar. Petitioner No 1 is father of Rohit Kumar and petitioner No 2 is his brother. Their implication is on extraneous considerations and the prosecution case stands belied by the statement of the victim girl recorded under Section 164 of Criminal Procedure Code, copy of which has been placed on record as Annexure 2 wherein the alleged victim girl has stated about having solemnized marriage with the said co-accused Rohit Kumar. The petitioners, under such circumstances, are in custody since 07.07.2020.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Benipatti, Madhubani in Arer PS Case No 5 of 2020 dated 10.01.2020 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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