

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6185 of 2021**

Arising Out of PS. Case No.-186 Year-2020 Thana- PUPRI District- Sitamarhi

1. Sudhir Kumar Thakur @ Sudhir Kumar S/O- Brikshlal Thakur Resident Of Village- Baura, Ward No.06, Police Station- Pupri, Distt- Sitamarhi.
2. Sachin Kumar Son Of Sudhir Kumar Thaku @ Sudhir Thakur Resident Of Village- Baura, Ward No.06, Police Station- Pupri, Distt- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Ms. Asha Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 17-12-2021 Learned counsel for the petitioners undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and Ms. Asha Kumari, learned APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Pupri P.S. Case No. 186 of 2020 registered for the offences punishable under Sections 363, 365 of the Indian Penal Code. The petitioners have got no criminal antecedent.

Learned counsel for the petitioners submits that in this case as per the allegation, the sister of the informant went missing on 06.07.2020 when she had gone outside to graze she-



goats. The FIR has been lodged on 14.07.2020 alleging that the petitioners and co-accused Ravi Kumar were involved in taking away the victim.

Learned counsel submits that the victim returned home and made her statement under Section 164 Cr.P.C. in which she has stated that because of quarrel with her mother, she had left her house and gone to stay with her maternal uncle where she stayed for one month. She specifically stated that nobody had allured her.

Learned counsel further submits that after investigation, police did not find sufficient material to proceed against these petitioners and submitted a final form but the learned Magistrate differed with the police report and after taking cognizance issued summons to the petitioners also.

Learned APP for the State has though opposed the prayer for pre-arrest bail of the petitioners, considering the entire facts and circumstances, particularly the statement of the victim and the fact that the police in course of investigation did not find sufficient material to proceed against these petitioners, at this stage, this Court deems it just and proper to direct that the petitioners above named in the event of their arrest or surrender within four weeks from today be released on bail on furnishing



of bail bond of Rs.25,000/- (Rupees Twenty Five Thousand/-) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi in connection with Pupri P.S. Case No. 186 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

