

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10717 of 2021**

Arising Out of PS. Case No.-197 Year-2020 Thana- MASAUDHI District- Patna

1. PRAHLAD CHANDRABANSHI SON OF LATE NAGESHWAR RAM
RESIDENT OF VILLAGE- KAILUCHAK, P.S.- MASAUHRI, DISTRICT-
PATNA
2. J.P. KUMAR @ JEPI KUMAR @ JAY PRAKASH, SON OF PRAHLAD
CHANDRABANSHI RESIDENT OF VILLAGE- KAILUCHAK, P.S.-
MASAUHRI, DISTRICT- PATNA

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Kishore Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

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

2 21-05-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Masaurhi P.S. Case No. 197 of 2020 registered for the offences punishable under Sections 366(A)/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per the prosecution story, the daughter of the informant had gone to coaching institute at 9.00 AM and when she did not return till 3.00 PM, the informant went to the coaching institute to enquire about the



whereabouts of her daughter upon which he was informed that her daughter had left the coaching institute at 1.00 PM. After further inquiry he came to know that one Deepak Kumar along with his family members had taken away her daughter with the intention of marriage.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case because they happen to be father and younger brother of said Deepak Kumar. Learned counsel submits that the petitioners are in custody for over a year having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case, wherein it is the submission of the learned counsel for the petitioners that from the F.I.R. it would appear that the victim girl has gone with the co-accused Deepak Kumar who is the son of the petitioner no. 1, name of the petitioner no.1 and that of the petitioner no. 2 have been falsely involved in this case because they happen to be father and younger brother of said Deepak Kumar. The further submission that so far as these two petitioners are concerned, nobody has ever seen these petitioners with the victim girl, the petitioner no. 2 is in fact a minor boy aged about 16 years and they are in custody for over one year in connection with the present case, they have otherwise no criminal antecedent, let the petitioners above named be released on



bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Masaurhi in connection with Masaurhi P.S. Case No. 197 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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.

Having noticed that the age of petitioner no. 2 has been disclosed as 16 years only, this Court directs the learned S.D.J.M., Masaurhi to look into this aspect of the matter and refer the records



of petitioner no. 2 to the concerned Juvenile Justice Board under the provisions of the Juvenile Justice (Care and Protection of Children) Act, 2015 for assessment of his age and to proceed accordingly but for this purpose, the release of petitioner no. 2 shall not be delayed.

This application stands disposed of accordingly.

(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'.

