

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74304 of 2019

Arising Out of PS. Case No.-255 Year-2019 Thana- WARISLIGANJ District- Nawada

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1. Shankar Mistri, aged about 53 years, male, Son of Hari Mistri
 2. Brij Nandan Mistri @ Brijandan Mistry, aged about 45 years, male, Son of Hari Mistri
 3. Lakshmi Devi, aged about 50 years, female, Wife of Shankar Mistri
 4. Sumitra Devi, aged about 67 years, female, Wife of Hari Mistri
 5. Ajay Mistri, aged about 48 years, male, Son of Hari Mistri
 6. Hari Mistri, aged about 69 years, male, Son of Late Lalo Mistri
- All are resident of Village - Gambhirpur, P.S. - Warisaliganj, District – Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Prasad Singh, Adv.
For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 31-08-2021 Heard Mr. Devendra Prasad Singh, the learned Advocate for the petitioners and Mr. Nawal Kishore Prasad, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Warisaliganj P.S. Case No. 255 of 2019, dated 08.08.2019, instituted for the offences under Sections 366(A) and 34 of the Indian Penal Code.

The petitioners are the family members of one



Subhash Mistri, who is said to have been in contact with the victim girl. It appears from the F.I.R. that prior to the lodging of the subject F.I.R., a case was earlier lodged against the petitioners for having abducted the daughter of the informant. However, in the aforesaid case, on the basis of the statement of victim girl under Section 164 Cr.P.C., final report as mistake of fact was submitted in favour of the petitioners.

In the present case also, a reference of the earlier case has been given and it has been alleged that despite the victim girl residing with the informant, she has been kidnapped by the accused persons.

The learned counsel for the petitioners has submitted that from the narration made in the F.I.R. itself, it becomes very clear that the daughter of the informant is in association with Subhash Mistri. The petitioners are the family members of aforesaid Subhash Mistri. The background facts, it has been urged, also reveal that the daughter of the informant wishes to lead her life as wife of aforesaid Subhash Mistri.



According to the recent information received by the learned counsel for the petitioner, the daughter of the informant and aforesaid Subhash Mistri are staying in Delhi as man and wife.

In any view of the matter, so far as the petitioners are concerned, they have been made accused in this case only because of their relationship with aforesaid Subhash Mistri and that during the course of investigation nothing tangible could be collected against them so as to even remotely indicate towards their complicity in the abduction of the victim.

Considering the afore-noted facts, the provisional bail granted to the petitioners *vide* order dated 11.12.2019 is, hereby, confirmed. They shall remain on the same bail-bonds.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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