

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2801 of 2022

Arising Out of PS. Case No.-101 Year-2020 Thana- MAJORGANJ District- Sitamarhi

1. Birendra Ray @ Thaga Ray, aged about 35 years, Male, Son of Mahadev Ray, Resident of Village - Madhopur Maliniya Ward no.12, P.S.- Majorganj, Distt.- Sitamarhi.
2. Jay Prakash Kumar Yadav @ Prakash Kumar Yadav, aged about 35 years, Male, Son of Raghunath Rai, Resident of Village - Madhopur Maliniya Ward no.12, P.S.- Majorganj, Distt.- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Uday Kumar, Advocate
For the Opposite Party : Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-05-2022 A supplementary affidavit has been filed on behalf of the petitioners. Let it be kept on the record.

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

Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in connection with Majorganj P.S. Case No. 101/2020 for the offence registered under Sections 363, 366(A) and 504/34 of the I.P.C.

The prosecution story, in brief, is that on 14.06.2020



the minor daughter of the informant went to the field for agricultural purpose but she did not return. In course of search, he came to know that Chunchun Rai, Ramashankar Rai, Madhurendra Rai and Chandan Kumar abducted his daughter for the purpose of marriage. The informant suspects that his daughter was abducted in conspiracy with Shanehi Rai, Mahawati Devi, Hosh Narayan Rai, Usha Devi and Dharmendra Rai.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. The petitioners are not named in the F.I.R. The depositions of the informant and the victim made in course of trial of co-accused have been annexed to the supplementary affidavit. The victims and the informant in their statements have denied the factum of the allegation as made in the F.I.R. The statements of the informant and the victim is Annexure-1 to the supplementary affidavit.

On behalf of the State, it is submitted that the petitioners are not named in the F.I.R.

Considering the aforesaid facts and circumstances of



the case, let the petitioners above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Sitamarhi, in connection with Majorganj P.S. Case No. 101/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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