

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 67775 of 2021**

Arising Out of PS. Case No.-156 Year-2021 Thana- AWTARNAGAR District- Saran

Bittu Kumar Son Of Daroga Rai Resident Of Village- Chhotani, P.S.- Awatar
Nagar, District- Saran At Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 13972 of 2022

Arising Out of PS. Case No.-156 Year-2021 Thana- AWTARNAGAR District- Saran

Satish kumar son of late digree rai r/o village- chhotami, p.s.- Awatar nagar,
district- saran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 67775 of 2021)

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

(In CRIMINAL MISCELLANEOUS No. 13972 of 2022)

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

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

2 17-05-2022 Learned counsel for the petitioners in both the applications undertakes to remove all the defects pointed out by the Stamp Reporter within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners as well as learned APPs for the State in both the applications.

The petitioners in both the applications are seeking regular bail in connection with Awatar Nagar P.S. Case No. 156



of 2021. Petitioner in Cr. Misc. No. 67775 of 2021 is in custody since 09.07.2021. He has been made accused in one case which has been simultaneously lodged with the present case as stated in paragraph '3'. The petitioner in Cr. Misc. No. 13972 of 2022 is in judicial custody since 06.01.2022. This petitioner has two criminal antecedents as stated in paragraph '3'. He is on bail in the first case whereas in the second case, the supervising authority has found the case false against the petitioner but final form has yet not been submitted.

As per the prosecution story, the informant alleged that on 05.06.2021 at about 02:00 P.M., his 14 years old daughter namely Annu Kumari was not found at home. The informant got suspicion and he along with his men went in search of his daughter to Rahimapur market, Mirjapur Dighwara and Garkha Bazar. He finally reached to the premises of Chapra Junction where he found two boys of his village namely Sachin Kumar and Bittu Kumar (the petitioner in Cr. Misc. No. 67775 of 2021). The informant caught hold of those two boys and inquired from them whereupon they informed the informant that the girl is at the platform. The informant claims that he took key of the motorcycle and the mobile of the boys and asked them to take him to the place at the platform but both



the boys escaped somehow. The informant claims that he searched his daughter on the platform but she was not found there. It is alleged that after some time, the informant came to know that the boys are near Garkha petrol pump but when he went there, he could not find them, thereafter he came to the police station and lodged the FIR raising suspicion of threat of life of his daughter. Towards the end of the FIR, the informant alleges that in this occurrence, the other accused namely Digree Rai, Daroga Rai, Satish Kumar (the petitioner in Cr. Misc. No. 13972 of 2022) and Guddu Kumar all are involved.

Learned counsel submits that although the daughter of the informant went missing in the afternoon on 05.06.2021 but he went to the police station and lodged the FIR only on the next day on 06.06.2021 at 04:35 P.M.

Learned counsel further submits that the victim girl Annu Kumari returned home and made her statement on 08.06.2021 under Section 164 Cr.P.C. She alleged that on the date of occurrence she had gone to temple where Sachin Kumar, Bittu Kumar and Guddu Kumar had come and they had forcibly made her to sit in a vehicle and took her to Chapra. She further alleged that they asked her to demand a sum of Rs.10,000/- from her father whereupon the victim girl told that how her



father will arrange the money whereupon the accused persons told her to arrange for Rs.5,000/-. They took her to Garkha where she was concealed. She further says that she was brought to Sonapur from Garkha where the brother of Sachin Kumar namely Satish Kumar left her at Awatar Nagar Police Station. She alleges that Satish Kumar, co-accused Raju Kumar, Daroga Rai and Digree Rai were also there.

Learned counsel submits that from the tenor of the statement of the victim Annu Kumar itself, it would appear that she returned her home on the same day and made her statement thereafter at the instance of her parents. It is submitted that in any case the victim girl has not alleged commission of any indecent act with her.

Learned counsel thereafter drew the attention of this Court towards the second FIR being Awatar Nagar P.S. Case No. 155 of 2021 registered on the same day under Section 363/366A/34 IPC. In this case, the victim girl Sonam Kumari @ Sonal Kumari aged 15 years was found missing from 05.06.2021 at 02:00 P.M. Her father lodged the FIR on 06.06.2021 at 04:30 P.M. and according to this FIR, when he went in search of his daughter to Rahimapur market, Dighwara and reached Chapra Junction premises via Garkha market he



saw that co-accused Sachin Kumar and the petitioner in Cr. Misc. No. 67775 of 2021 were taking away his daughter on a motorcycle. The informant intercepted the motorcycle whereupon it is alleged that the accused persons fled away after leaving the motorcycle. He alleged that behind this occurrence there is hand of Digree Rai, Daroga Rai, Satish Kumar and Guddu Kumar.

Learned counsel submits that Digree Rai is the father of Sachin Kumar whereas Satish Kumar is another son of Digree Rai, similarly Daroga Rai is the father of Bittu Kumar and co-accused Guddu Rai is also the son of Daroga Rai. The submission is that in connection with the alleged occurrence, false implications of the father as well as brothers have been done.

Learned counsel submits that the statement of Sonam Kumari @ Sonal Kumari was also recorded on the next day under Section 164 Cr.P.C. She alleged that she and Annu Kumari both were taken in a Bolero forcibly to Chapra, Garkha and Sonapur and they demanded a sum of Rs.10 lakhs from her father whereafter her father lodged the case. The victim has categorically stated that accused persons were threatening them but they had not committed any wrong act with them. Sonam



Kumari @ Sonal Kumari has stated that she identified Raju Kumar and Bittu Kumar but did not identify others.

Learned counsel then submits that there is yet another FIR being Awatar Nagar P.S. Case No. 173 of 2021 dated 22.06.2022 lodged by father of victim Sonam Kumari @ Sonal Kumari. Her father has referred Awatar Nagar P.S. Case No. 155 of 2021 lodged by him against the accused persons and alleged that he is being threatened by the accused persons for filing compromise.

Learned counsel has pointed out from another statement under Section 164 Cr.P.C. of Sonam Kumari @ Sonal Kumari recorded on 23rd day of June, 2021 by learned Magistrate in which she has stated that she had never been kidnapped. She was in love with Bittu Kumar (the petitioner in Cr. Misc. No. 67775 of 2021) and had gone to Chapra station where she was caught by her brother and her uncle. They brought her to home and she was beaten by her family members whereafter she left her house on 22.06.2021 and went to the house of Bittu Kumar (the petitioner). The brother of Bittu Kumar informed police whereafter police came and she had come to court from the police station for recording of her statement. She claimed before the learned Magistrate that her



father had lodged a wrong case and she wanted to live with Bittu Kumar and did not want to go to her father's place and she wants to marry Bittu Kumar. She has declared her age as 18 years.

Learned counsel for the petitioner submits that so far as the petitioner Satish Kumar in Cr. Misc. No. 13972 of 2022 is concerned, he has been made accused only because he happens to be the brother of Bittu Kumar. No overt act has been alleged against him. As regards the Bittu Kumar, it is submitted that apparently it is a case of love affair between him and Sonam Kumari @ Sonal Kumari. The statement of Sonam Kumari @ Sonal Kumari recorded on 23.06.2022 clearly demonstrates that Bittu Kumar has been framed by father of Sonam Kumari @ Sonal Kumari and while lodging the present case the father of Annu Kumari has suppressed the material facts including that his daughter was not found at Chapra Station on 05.06.2021 whereas the fact is that Sonam Kumari @ Sonal Kumari has stated that she was with Anu Kumari and had been seen by her brother and her uncle at Chapra Station and was brought back.

Learned APP for the State has though opposed the prayer for bail of the petitioners alleging that the petitioner is named in the FIR and initially the victim girl had made



statement against him but from the materials present on the record which have been taken note of hereinabove, this Court has noticed that Sonam Kumari @ Sonal Kumari has in her statement recorded on 23.06.2021 categorically stated that her father has lodged wrong case and she was in love with this petitioner, the allegation of demand of Rs. 10 lakhs is not getting substantiated because the informant of this case has not alleged that he had received any telephonic call demanding any money, both the petitioners have remained in jail for substantial period and investigation against them is complete as also that their presence may be secured in course of trial, this Court directs release of the petitioners in both the cases above named 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 J.M. 1st Class, Saran at Chapra in connection with Awatar Nagar P.S. Case No. 156 of 2021, subject to the condition as laid down under Section 437 (3) 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 steps 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.

Both the applications stand allowed.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.

