

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17404 of 2022

Arising Out of PS. Case No.-142 Year-2020 Thana- PUPRI District- Sitamarhi

1. GAURAV KUMAR @ GAURAV RAJ S/o Pradeep Kedia Resident of Village- Pupri, P.S.- Pupri, District- Sitamarhi.
2. Saurav Kumar @ Sourv Laxman S/o Pradeep Kedia Resident of Village- Pupri, P.S.- Pupri, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 27940 of 2022

Arising Out of PS. Case No.-142 Year-2020 Thana- PUPRI District- Sitamarhi

1. LALITA DEVI W/O PRADEEP KEDIYA R/o village- Jhajhilal, Pupri Bazar, Shobha Chowk, P.S.- Pupri, District- Sitamarhi
2. Mahi Devi @ Garima Ankit Jalan W/o Ankit Jalan Presently Residing at C-2/103, Vasant Vihar Apartment, Near Girdhari Dwar Society- 3, Udhan Magdhala Road, Magdhala, Surat (Gujrat)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17404 of 2022)

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

(In CRIMINAL MISCELLANEOUS No. 27940 of 2022)

For the Petitioner/s : Mr. Shivjee Singh, Advocate

For the Opposite Party/s : Mr. Md. Anbzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-09-2022

CRIMINAL MISCELLANEOUS No.17404 of 2022

Heard learned counsel for the petitioners and learned

A.P.P. for the State.

The petitioners apprehend their arrest in a case



registered for the offences punishable under Sections 363, 365 and 34 of the Indian Penal Code and Section 8 of POCSO Act.

Learned counsel for the petitioners submits that the petitioner no. 1 has antecedent of two cases and petitioner no. 2 is a person with clean antecedent and the informant alleges that on 08.06.2020 at 4:00 AM, his elder minor daughter was kidnapped from the field near his house by four named accused persons, including the petitioners, along with 4-5 unidentified accused, it is next alleged that the occurrence was witnessed by the wife, daughters and sons of the informant.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case, it is next submitted that the victim has returned and her statement was recorded by the police and also under Section 164 Cr.P.C., wherein she has not supported the prosecution case, thus the police after investigation submitted final form on 30.09.2020 but the learned trial court differing with the police report has taken cognizance, it is next submitted that when the victim herself has not supported the prosecution case and the police have not found any material to connect the petitioners with the offence, as such based on cognizance, if petitioners are sent to jail the same would be travesty of justice.



Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Pupri P.S. Case No. 142 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 27940 of 2022

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

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363, 365 and 34 of the Indian Penal Code and Section 8 of POCSO Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and are mother and sister of Gaurav Kumar, it is next submitted that Gaurav Kumar has been granted anticipatory bail by **order dated 23.09.2022 in Cr. Misc. No. 17404 of 2022**, it is thus submitted that since



Gaurav Kumar has been granted anticipatory bail, the case of the petitioners are on much better footing and relies on the same submission which was made in the case of Gaurav Kumar.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 2,000/- (Rupees Two Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Pupri P.S. Case No. 142 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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