

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23389 of 2022

Arising Out of PS. Case No.-65 Year-2021 Thana- BATHNAHA District- Sitamarhi

1. Ganesh Sadda, Son of Bhola Sada, Resident of Village- Majhaura, P.S. Bathnaha, District- Sitamarhi.
2. Sunita Devi, Wife of Ganesh Sada, Resident of Village- Majhaura, P.S. Bathnaha, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-08-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ravi Ranjan, learned counsel for the petitioners and learned APP for the State.

The petitioners seek regular bail, who are in custody in connection with Bathnaha P.S. Case No. 65 of 2021 registered for the offences punishable under Sections 366(A)/34 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 05.03.2021 at about 5.00 AM in the morning, the minor daughter of the informant, aged about 14 years, had gone to



attend the nature call and when she did not return, the informant and his family members made all possible effort to search out, but she could not be traced out. It is further alleged that after some time, the informant came to know that his daughter was taken away by one Nitesh Kumar, son of the petitioners and when the informant went to the house of the parents of Nitesh Kumar, they denied to return the daughter of the informant.

It is submitted by the learned counsel appearing on behalf of the petitioners that with regard to an occurrence, which took place on 05.03.2021, the present F.I.R. has been instituted on 23.03.2021, after a delay of 18 days of the occurrence, without assigning any plausible reason. It is next submitted that the petitioners are only the parents of co-accused Nitesh Kumar, against whom it is alleged that he was taken away the daughter of the informant. It is also submitted that both the boy and victim girl returned and thereafter statement of the victim under Section 164 of the Cr.P.C. was recorded wherein she categorically stated that she voluntarily left her house, as she wanted to marry co-accused Nitesh Kumar, but she has apprehension that her parents would not be ready for the same. It is lastly submitted that now the victim girl has been



released in favour of the parents and moreover these petitioners are in custody since 03.03.2022 having fair antecedent.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioners are the parents of co-accused Nitesh Kumar and against all of them specific accusation has been made.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that the petitioners are the parents of co-accused Nitesh Kumar and against them there is no specific allegation and moreover they are in custody since 03.03.2022, apart from the fact that the statement of the victim was recorded under Section 164 of the Cr.P.C. wherein she has not made any allegation against the petitioners, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Sitamarhi in connection with Bathnaha P.S. Case No. 65 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the



trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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