

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36531 of 2021

Arising Out of PS. Case No.-42 Year-2020 Thana- PARSAUNI District- Sitamarhi

1. MANISH KUMAR Son of Dilip Kumar Chaudhary @ Dilip Chaudhary Resident of Mahalla- Parsauni Mailwar, Ward No.09, P.S.- Parsauni, District- Sitamarhi.
2. Avinash Kumar @ Avinash Kumar Ranjan Son of Dilip Kumar Chaudhary @ Dilip Chaudhary Resident of Mohalla- Parsauni Mailwar, Ward No.9, P.S.- Parsauni, District- Sitamarhi.
3. Bagish Kumar @ Bagish Ranjan @ Bagish Kumar Ranjan Son of Dilip Kumar Chaudhary @ Dilip Chaudhary Resident of Mohalla- Parsauni Mailwar, Ward No.9, P.S.- Parsauni, District- Sitamarhi.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ranjeet Kumar Mishra
For the Opposite Party/s :	Mrs.Rina Kumari
	Mrs.Rina Devi

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-02-2022 Heard the counsels appearing for the parties through virtual Court proceedings.

Learned counsel for the petitioners undertakes to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

At the outset, learned counsel for the petitioners seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no.3.

Permission is granted.



Accordingly, the prayer for anticipatory bail made through the instant application, on behalf of the petitioner no.3 is dismissed as withdrawn.

Now, the present application is being heard as against the petitioner nos.1 and 2.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 363/366A of the IPC.

Allegation is that daughter of the informant has been kidnapped by the petitioners in connivance with other co-accused.

It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence in the manner as alleged has ever taken place. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. It is submitted that in her statement recorded u/s 164 Cr.P.C., the victim has accepted that she had love affair with one Sunil Kumar and she wants to marry with him. There is a compromise between the parties and victim's marriage has already been solemnized with another person. It is further stated that the occurrence took place on 16.06.2020 but the FIR was lodged on 21.06.2020 i.e. after a



delay of five days. Petitioners have no criminal antecedent and similarly situated co-accused has been enlarged on anticipatory bail by this court vide order dated 13.12.2021 passed in Cr. Misc. No.8593 of 2021.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for anticipatory bail but fairly submits that compromise has been done between the parties.

Having regard to the facts and circumstances of the case, since similarly situated co-accused has been granted bail, let the above named petitioner nos.1 and 2 be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Parsauni P.S. Case No.42 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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