

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20550 of 2022

Arising Out of PS. Case No.-238 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Mukesh Kumar, Son of Sunil Singh Resident of Village - Unsar, P.S.-
Bochahan, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30313 of 2022

Arising Out of PS. Case No.-238 Year-2021 Thana- MOTIPUR District- Muzaffarpur

Ranu Devi Wife Of Sri Abhay Kumar Singh Resident Of Village- Ratanpura,
P.S.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 20550 of 2022)

For the Petitioner/s : Mr. Hari Kishore Thakur

For the Opposite Party/s : Ms. Veena Rani Prasad

(In CRIMINAL MISCELLANEOUS No. 30313 of 2022)

For the Petitioner/s : Mr. Jai Prakash Verma

For the Opposite Party/s : Mr. Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 13-09-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Motipur

P.S. Case No. 238 of 2021, registered for the offences

punishable under Sections 366(A) of the Indian Penal Code.



As per the prosecution case, emerging from the F.I.R., the daughter of the informant, namely, Anjali Kumari, was enticed away by the accused-petitioner, Mukesh Kumar.

The learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the alleged victim is not minor and she is 12th pass student and is more than 18 years of age. He further submits that the statement of the alleged victim has been recorded under Section 164 Cr.P.C. and the perusal of the statement at most shows that she was allegedly confined by accused-petitioner Mukesh Kumar. But there is no allegation of any sexual assault. He further submits that as per the statement of the alleged victim under Section 164 Cr.P.C., on 12.07.2021, Ranu Devi got the alleged victim seated in a bus and she was asked to go to Muzaffarpur and get down at a temple and she (Ranu Devi) would come later. He submits that the statement is apparently concocted and intended to harass the petitioner. He also submits that investigation is complete and charge-sheet has already been submitted and he deserves to be



enlarged on bail.

The petitioner in Cr. Misc. No. 20550 of 2022 has been languishing in jail since 01.12.2021.

The petitioner in Cr. Misc. No. 30313 of 2022 has been languishing in jail since 25.03.2022.

It is also stated in paragraph no. 2 of the petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 of Cr. Misc. No. 20550 of 2022 that the petitioner has no criminal antecedent.

It has further been stated in paragraph no. 3 of Cr. Misc. No. 30313 of 2022 that petitioner has earlier been made accused in one more case, namely, Compliant Case No. 27 of 2022.

However, the learned APP for the State opposes the prayer for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs.



10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. 2nd (West), Muzaffarpur, in connection with Motipur P.S. Case No. 238 of 2021, **after framing of charge, if it is not framed**, on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any other criminal antecedents, other than disclosed one, the learned court



below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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