

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43082 of 2021

Arising Out of PS. Case No.-101 Year-2020 Thana- MAJORGANJ District- Sitamarhi

RAMASHANKAR RAI @ RAMASHANKAR KUMAR S/O GAJENDRA
RAY R/o village- Madhopur Malinia Ward No. 12, P.S.- Majorganj, District-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the Informant	:	Mr. Bharat Lal, Advocate
For the State	:	Mr. Raj Narayan Mishra, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-02-2022 Heard the parties through video conferencing.

Heard learned counsel appearing on behalf of the petitioner, learned counsel appearing on behalf of the informant and learned APP for the State.

Let the defect(s) be removed within two weeks of the complete start of the physical Court in normal course.

Petitioner, who is in custody since 14.04.2021, seeks regular bail in connection with Majorganj P.S. Case No. 101 of 2020 registered for offences punishable under Sections 363, 366A, and 504/34 of the Indian Penal Code.

Prosecution case, in brief, is that minor daughter of the informant who is student of class 9th in J.J.B. High School, Majorganj had gone missing since 14.06.2020. Upon search, it



has come in light that Chunchun Rai, Ramashankar Rai, Madhurendra Rai and Chandan Kumar of village Madhopur Malinia have taken away his daughter forcibly on red colour Maruti Van towards Sitamarhi for the purpose of marriage. It is further alleged that Sanehi Rai, Mahabali Devi, Hosnarayan Rai, Usha Devi and Dharmendra Rai of village Madhopur Malinia had kidnapped his minor girl.

Learned counsel appearing on behalf of the petitioner submits that the informant has entered into a compromise with the petitioner and other named co-accused and they have filed a compromise petition before the Court below and as such in this view of the matter, the petitioner be released on bail. He further submits that nothing has been alleged against the petitioner in the statement of the victim under Section 164 Cr.P.C.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He further submits that no such application is on the record of the present case and neither the petitioner has brought on record by way of filing supplementary affidavit. Considering the allegation made in the F.I.R., the complicity of the petitioner cannot be ruled out in kidnapping the minor girl of the informant and as such the petitioner does not deserve to be enlarged on bail.



Considering the above mentioned facts and circumstances of the case, taking into consideration the submission made by the petitioner that both the parties have now compromised, without going into the merits of the case, this Court directs the Court below to take statement of the victim girl, mother of the victim, father of the victim and all the witnesses to the compromise petition, if so filed, the Court below without being prejudiced with the earlier order dated 23.06.2021, shall pass a fresh order on the basis of material available on record and the statement recorded of all the persons who were required to be deposed before him and pass a fresh order.

Accordingly, the present bail application is disposed of.

(Purnendu Singh, J)

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