

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37361 of 2022

Arising Out of PS. Case No.-22 Year-2021 Thana- LAUKAHI District- Madhubani

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1. Kameshwar Chaupal Son Of Sri Mishri Chaupal @ Mishri Lal Mandal R/O Village- Belhi Bhawanipur, P.S.- Laukhi, District- Madhubani
 2. Manish Chaupal Son Of Kameshwar Chaupal R/O Village- Belhi Bhawanipur, P.S.- Laukhi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey, Advocate

For the Opposite Party/s : Mrs. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-09-2022 Heard Mr. Brisketu Sharan Pandey, learned counsel
for the petitioners and Mrs. Renu Kumari, learned APP for the
State through virtual mode in view of COVID-19.

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

The petitioners are in judicial custody in connection
with Laukahi P.S. Case No.22 of 2021 instituted under Sections
366(A), 341, 323, 504 and 34 of the Indian Penal Code.

As per the FIR, the informant has alleged that when
her minor daughter had gone out to attend the call of nature, she
was kidnapped by accused Chandan Kumar and when the
informant tried to complain with the family members, it is
alleged that the petitioners herein, father and brother of the said



Chandan Kumar abused them. Accordingly, the FIR was lodged.

Learned counsel for the petitioners submit that as per the FIR itself, the allegation is against Chandan Kumar that he took away the minor daughter of the informant. So far as these petitioners are concerned, the only allegation is of abusing the informant when he tried to complain, for which they have already suffered by being in custody since 16.05.2021 and both of them do not have any criminal antecedent.

Considering the aforesaid fact that there is only an allegation of abuse against these petitioners who are family members of accused Chandan Kumar, are in custody since 16.05.2021, have no criminal antecedent, charge-sheet stands submitted, this Court is inclined to grant them privilege of bail.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each in connection with Laukahi P.S. Case No.22 of 2021 to the satisfaction of learned A.C.J.M., III, Jhanjharpur, subject to following conditions:

- (i) one of the bailor should be the family member of the petitioners, who shall provide official document to show his/her bona fide;
- (ii) the petitioners shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail by the Trial court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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