

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38632 of 2022

Arising Out of PS. Case No.-749 Year-2020 Thana- ARARIA District- Araria

1. Suddu Risideo @ Sukdeo Risideo S/o Balji Risideo R/o village- Kusiargaon, Ward No. 10 Garhbanaili, P.S.- Araria, District- Araria
2. Mithlesh Risideo @ Mithilesh Risidev S/o Baso Risideo R/o village- Kusiargaon, Ward No. 10 Garhbanaili, P.S.- Araria, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Ziaul Quamar, Advocate

For the Opposite Party/s : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 30-09-2022 Heard learned counsel appearing on behalf of the petitioners and learned counsel appearing on behalf of the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioners seek bail in connection with Araria P.S case no. 749/2020 registered for the offence under Sections 366(A), 341, 342, 323 and 34 of the Indian Penal Code.

The accused/petitioners are named in the F.I.R. and is in custody since 26.04.2022.

The allegation against the petitioners are to kidnap the minor daughter of informant, along with other co-accused



persons, for the purpose of illicit intercourse.

Learned counsel appearing on behalf of the petitioners submitted that both the petitioners falsely implicated in present case for admitted reason of previous enmities, as mentioned in FIR itself. It is further submitted that no allegation, as regard to sexual assault against both petitioners available, as per statement of victim recorded under section 164 of the Cr.P.C. It is further pointed out that present FIR was lodged after 12 days of occurrence, without any just explanations. It is also submitted that both the petitioners are handicapped persons more than 50 percent and, as such, allegation of kidnapping through motor-cycle appears highly improbable. It is further pointed out that recovery of victim girl was not from the house of petitioners, rather she appears on her own. While concluding the argument, it has been submitted that petitioners are men of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that there is no allegation of sexual assault, as per statement of victim recorded under Section 164 of the Cr.P.C.

Considering the facts and circumstances as mentioned



above, there is no allegation of sexual assault, where victim appears on her own, in the background of admitted previous enmities coupled with the fact that charge-sheet has been submitted, let the petitioners, above named, are directed to be released on bail in connection with Araria P.S case no. 749/2020 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate Araria/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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