

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58027 of 2021

Arising Out of PS. Case No.-209 Year-2021 Thana- KHAIRA District- Saran

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1. Vishal Kumar @ Govinda Son of Ganga Sagar Ray Resident of Village - Salha, P.S. - Garkha, District - Saran at Chapra.
 2. Sanjay Kumar Son of Late Motilal Ray Resident of Village - Salha, P.S. - Garkha, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate.
For the State : Mr. Rakesh Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 07-04-2022 Heard learned counsel for the petitioners and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

The present application has been filed on behalf of the petitioners, above named, for grant of regular bail to the petitioners who have been made accused and put behind the bar in connection with Khaira P. S. Case No. 209 of 2021 registered for the offences punishable under Sections 363, 366 and 365 of the Indian Penal Code.

As per the prosecution case, it is alleged that on 05.07.2021, the daughter of the informant kidnapped by his neighbour, namely, Ajit Kumar in greed of wealth. It is further



alleged that his daughter had gone with cash of Rs. 42,000/- along with ornaments worth Rs. 10 Lacs.

It has been submitted by the learned counsel for the petitioner that the petitioners are not named in the F.I.R., However, their name have been surfaced on the statement of the victim recorded under Section 164 Cr.P.C., wherein the victim has stated that the petitioners have also been involved in taking away the victim to the house of *Mousi* of Ajit Kumar, thereafter, she was taken to Delhi. It is further submitted that specific allegation has been levelled against one Ajit Kumar that he committed rape with the victim. So far the petitioners are concerned, there is no specific allegation of any overt act except accompanying with the victim and the Ajit Kumar. It is next submitted that the story as alleged in the F.I.R., appears to be absurd that the victim was taken away different places even to Delhi but at no point of time she raised any complaint to anyone. Apart from the fact that in spite of threatening meted out to her by Ajit Kumar, she never made any complaint either to her parents or to any authorities, further the age of the victim has been assessed by the Court below as 18 years. It is also submitted that the petitioners having no criminal antecedent and are in custody since 12.07.2021 and 15.07.2021 respectively.



Moreover, the investigation has been concluded and the charge-sheet has already been submitted.

On the other hand, learned APP for the State opposes the bail application of this petitioner.

Having considered the submissions made on behalf of the parties and taking into account this fact that except the allegation of accompanying the victim, there is no materials available on record against the petitioners. They have no criminal antecedent and are in custody since 12.07.2021 and 15.07.2021 respectively, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran at Chapra in connection with Khaira P. S. Case No. 209 of 2021 , subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioners will cooperate in conclusion of the trial.
- (ii) They will remain present on each and every date of trial till disposal of the case.
- (iii) They will not try to tamper with the evidence or



intimidate the witnesses to delay the disposal of trial.

- (iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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