

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67766 of 2021

Arising Out of PS. Case No.-114 Year-2019 Thana- LAURIA District- West Champaran

1. Srikant Ram, son of Late Asharfi Ram,
2. Meena Devi, W/o Srikant Ram

Both are residents of Village- Mishra Tola, P.S.- Lauriya, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar, Advocate
		Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s	:	Mr. Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

- 3 19-09-2022 Heard learned counsel for the petitioners and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioners seek bail in connection with Lauriya P.S. Case No. 114 of 2019, registered for the alleged offence under Sections 363, 365 and 370 (4) of the Indian Penal Code.

As per the prosecution case, the informant alleged that the co-accused daughter of the petitioners took away her daughter and thereafter, she did not return. The name of the petitioners came up as accused persons during investigation.

The learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. They have no role in taking away the daughter of the informant. The FIR has been registered after a delay of five days and there is no satisfactory explanation for the same. The petitioners were not named in the FIR nor were they seen in the company of the victim. But in her statement, the victim girl after recovery, named the petitioners as the persons who were involved in getting her boarded on a train. Even from the statement recorded under Section 164 Cr.P.C., it appears that no kidnapping or trafficking has taken place, but only a story of kidnapping has been made by falsely implicating the petitioners. Nowhere in her statement, the victim has stated anything about any sexual exploitation. The petitioners are in custody since 05.09.2021 and are having clean antecedent. The charge sheet has been submitted.

The learned APP opposes the prayer for bail submitting that the victim girl has named the petitioners and by their conduct, it appears that they were involved in trafficking of the victim.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the nature of allegation against these petitioners which appears to be quite



vague and does not indicate how the petitioners are involved in trafficking and further considering the submission of charge sheet and period of custody of the petitioners along with their clean antecedent, they are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1, Bettiah, West Champaran, in connection with Lauriya P.S. Case No. 114 of 2019, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

