

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.366 of 2022

Arising Out of PS. Case No.-83 Year-2020 Thana- SHRI NAGAR District- Madhepura

1. SUNIL KUMAR, Son of Ram Chandra Mandal, Resident of Village- Aagadh, Ward No. 09, P.S.- Srinagar, District- Madhepura.
2. Dilkhush Kumar, Son of Sikandar Yadav @ Sikandar Mandal @ Shikendra Mandal, Resident of Village- Aagadh, Ward No. 09, P.S.- Srinagar, District- Madhepura.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Uday Chand Prasad, Advocate
For the Opposite Party/s	:	Mr.Akhileshwar Dayal, A.P.P.
For the Informant	:	Mr. Hemant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2022 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners, learned counsel for the informant and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Srinagar P.S. Case No. 83 of 2020 registered for the offences punishable under Sections 363, 366, 34 of the Indian Penal Code. They are in custody since 10.08.2021 and 17.08.2021 respectively. The petitioners have got no criminal antecedent.

Learned counsel for the petitioners submits that as



per the prosecution story, the informant alleged that while she was on way to her house she found one motorcycle at her door on which Dilkhush Kumar, Sunil Kumar got her daughter seated by alluring her with intention to kidnap her. She alleged that Chandan Kumar has visiting terms with the aforesaid two persons and she suspected their hands in the occurrence. She searched her daughter but no trace came out.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that in this case the victim lady is major and married and she is the cousin sister of the petitioners. The victim has disclosed her age as 18 years in her statement under Section 164 Cr.P.C. (Annexure '2') and in the kind of story given in her statement it seems highly improbable that these petitioners who are cousin brothers of the victim lady would indulge in her abduction that too without any motive.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the submissions that in this case the victim lady is major and married and she is the cousin sister of the petitioners and she has stated in her 164 Cr.P.C. statement



that she was forcibly brought to a tea shop where the victim was given a cup of tea and whereafter she slept and when she awoke then the tea vendor told her that those boys had gone, in the meantime, one old person came there and asked her to accompany him, he kept her for three days and thereafter the co-accused Chandan gave some money to that old person and took her away to Gamhariya and from there she was taken to Agra and further she stated that in the bus Chandan, Dilkhush and Sunil all the three were there and at Itawa one person namely Sunil was asked to come, he came and took away the victim and kept her with him and also facilitated her talk with her family members and thereafter sent her to Singheshwar by bus, the victim has disclosed her age as 18 years and further submission that in the kind of story it seems highly improbable that these petitioners who are cousin brothers of the victim lady would indulge in her abduction that too without any motive, the petitioners have already remained in jail since 10.08.2021 and 17.08.2021 respectively, the petitioners have otherwise no criminal antecedent, investigation against them is complete and their presence may also be secured in course of trial, therefore, this Court directs that the petitioners above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty



Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Madhepura in connection with Srinagar P.S. Case No. 83 of 2020 , subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

