

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5969 of 2023

Arising Out of PS. Case No.-3 Year-2020 Thana- AKBARNAGAR District- Bhagalpur

1. RABINDRA KUMAR @ RABINDRA KUMAR RAJAK Son of Kamdev Rajak R/V- Damodarpur, P.S- Akbarnagar, Dist- Bhagalpur
2. Bhushan Rajak Son of Raj Kishore @ Hari Kishore Rajak R/V- Prasando, P.S- Khargapur, Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kumar Choudhary

For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-05-2023 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Akbarnagar P.S. Case No. 3 of 2020, G.R. No. 37 of 2020, registered for the offence punishable under Sections 363 and 366/34 of the Indian Penal Code.

The case of the prosecution in brief is that the minor daughter of the informant had gone to College on 25.12.2019 but when she did not return till night, search was made and it was found that one co-villager namely Putul Rajak along with the friend of the victim girl namely Rimjhim Kumari had kidnapped the daughter of the informant for the purposes of



marrying her with Putul Rajak.

The learned counsel for the petitioners submits that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that the petitioner no. 1 is the younger brother of the main accused, namely, Putul Rajak, while the petitioner no. 2 is the brother-in-law. As far as the petitioners are concerned, it is submitted that they are having no complicity in the matter and if at all, anybody is having any complicity in the matter, it is the co-accused person, namely, Putul Rajak, who is stated to have kidnapped the victim girl. It is further submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by this Court, vide order dated 27.1.2021, passed in Criminal Miscellaneous No. 28827 of 2020. It is also submitted that some other co-accused persons have also been granted bail by coordinate Benches of this Court, vide orders dated 4.10.2021 and 19.5.2022, passed in Criminal Miscellaneous No. 14970 of 2021 and Criminal Miscellaneous No. 328 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.



Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners, taking into account the materials available on record as also considering the parity of the case of the petitioners with that of the co-accused persons, who have already been granted bail, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned CJM 1st, Bhagalpur in connection with Akbarnagar P.S.Case No. 3 of 2020, G.R. No. 37 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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