

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9419 of 2023

Arising Out of PS. Case No.-554 Year-2022 Thana- PURNEA SADAR District- Purnia

1. RAJ KUMAR SAH Son of Ram Sajan Sah @ Ramasajan Sah R/v- Sabaura, P.S.- Barauni, District- Begusarai
2. ARTI DEVI @ ARTI KUMARI Wife of Raj Kumar Sah R/v- Sabaura, P.S.- Barauni, District- Begusarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Sarvottam Kumar, Advocate
For the State	:	Mr.Ahmad Ali, APP
For the Informant	:	Mr.Ram Pravesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 17-05-2023 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners, in the present case, are seeking pre-arrest bail in connection with Sadar P.S. Case No. 554 of 2022 registered for the offences punishable under Sections 363, 365, 366(A)/34 of the Indian Penal Code. They have no criminal antecedent as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that on 02.08.2022 in the morning when her daughter had gone to attend the coaching for study near Mohan Lal Bajaj School, she did not return for long time. The informant came to know that one Raj Kumar Saha and his wife have taken away her daughter. The informant further alleged that Raj Kumar Sah



left his daughter with one Sonu Kumar, who is his brother-in-law for purpose of marriage.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in this case. Learned counsel submits that the allegation of taking away the victim girl is against the co-accused Sintu Kumar and Murli Sah. The victim girl has not supported the prosecution case in her statement recorded under Section 164 Cr.P.C.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioners.

Having regard to the facts and circumstances of the case wherein these petitioners are said to be the brother-in-law (Bahnoi) and sisters of the co-accused Sonu Kumar with whom the victim girl is said to have gone on her sweet-will and solemnized marriage, she has not supported the prosecution case in her statement under Section 164 Cr.P.C. as it appears from the observations of the learned Sessions Judge, this Court, therefore, directs that in case of their arrest/surrender within a period of four weeks from today, let the petitioners above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Purnea in connection with Sadar P.S. Case No. 554/2022, subject to the conditions as laid down under Section 438 (2) of the 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 step 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)

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