

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19369 of 2023

Arising Out of PS. Case No.-151 Year-2020 Thana- PARAIYA District- Gaya

1. Umesh Yadav @ Umesh Kumar Son of Late Dwarika Yadav R/V- Dumra,
P.S- Paraiya Dist- Gaya
2. Rajesh Yadav @ Ramesh Kumar Son of Late Dwarika Yadav R/V- Dumra,
P.S- Paraiya Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-06-2023 Heard Durgesh Nandan, learned counsel appearing on
behalf of the petitioners and the learned APP for the State.

The petitioners are apprehending their arrest in connection with Paraiya P.S. Case No. 151 of 2020 registered for the offences punishable under Sections 363, 365, 366 and 506/34 of the Indian Penal Code.

It is alleged that while the informant, who happens to be SHO, Paraiya had gone to village Dumra for enquiry in connection with Paraiya P.S. Case no. 150 of 2022, where he came to know that the minor daughter of 'Sharvan Sharma', namely, 'Puja Kumari' was kidnapped by 'Vijay Yadav' and others and they threatened the father of the victim due to which he did not register the case. On query from the family members



of the victim, they disclosed about the involvement of the co-accused 'Uttam Kumar' and petitioners in kidnapping of their minor daughter. It is submitted on behalf of the petitioners that the petitioners happen to be brothers of the co-accused 'Uttam Kumar' and save and except the relationship, there is nothing incriminating against the petitioners, moreover, from the FIR it is evident that the victim 'Puja Kumari' had eloped with 'Uttam Kumar' wayback in the year 2018 itself, however, this FIR has been instituted on the self statement of SHO, Paraiya on 17.06.2020 and at no point of time, the family members of the victim has made any complaint with regard to her kidnapping. He further drawn the attention of this Court to the statement of the victim recorded under Section 164 Cr.P.C. wherein, she has categorically stated that she is a major and voluntarily left her home with 'Uttam Kumar' and thereafter she solemnized marriage with him and they have also blessed with a son, who is aged about 2 years. From the statement it also appears that the family members knowing fully well about the relationship and the willingness of the victim, did not lodge any case. However, the SHO, Paraiya on his own or on some misconception has lodged the present case implicating the name of the petitioners.

On the other hand, learned APP for the State



vehemently opposes the pre-arrest bail application, however, she has shown her inability to confront the statements made on behalf of the victim which has been brought on record by way of Annexure '2'.

Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 Cr.P.C., as also the fact the none of the family members of the victim had lodged any complaint case, coupled with the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest of surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya in connection with Paraiya P.S. Case No. 151 of 2020, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Harish Kumar, J)

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