

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22526 of 2023

Arising Out of PS. Case No.-902 Year-2022 Thana- SONEPUR District- Saran

1. BINDU DEVI, WIFE OF LATE RAJ KUMAR DAS, R/O VILLAGE- NEW ROAD (BAG RAJ MANSINGH), P.S.- SONPUR (HARIHARNATH), DISTRICT- SARAN
2. KANHAIYA DAS, SON OF LATE RAJ KUMAR DAS, R/O VILLAGE- NEW ROAD (BAG RAJ MANSINGH), P.S.- SONPUR (HARIHARNATH), DISTRICT- SARAN
3. SUNAINA DEVI, WIFE OF KANHAIYA DAS, R/O VILLAGE- NEW ROAD (BAG RAJ MANSINGH), P.S.- SONPUR (HARIHARNATH), DISTRICT- SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Niraj Kumar, Advocate Ms. Saloni Sinha, Advocate
For the Opposite Party/s	:	Mr. Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioners and learned
APP for the State of Bihar.

The petitioners are apprehending their arrest in connection with Sonepur (Hariharnath O.P.) P.S. Case No. 902 of 2022 registered under Sections 363 and 366A of Indian Penal Code.

As per FIR, the informant has accused kidnapping of her minor daughter aged about 17 years for the purposes of marriage with co-accused Suraj Das.

It is submitted by learned counsel for the petitioners



that petitioner no.1 is mother of Suraj Das whereas petitioners no. 2 and 3 are brother and *bhabhi* (sister-in-law) of Suraj Das, respectively. It is submitted that their implication is based on extraneous considerations, by virtue of their relationship with Suraj Das. Co-accused Suraj Das and the alleged victim were having consensual intimate relations, which is manifest from the deposition of the victim, who claims to be aged about 17 years in her deposition recorded under Section 164 Cr.P.C. (Annexure-2). The statement belies the prosecution case altogether. The petitioners are also having clean antecedents.

Learned APP for the State has opposed the prayer for bail by submitting that the victim is a minor aged about 17 years.

Considering the rival submissions, statement of the victim recorded under Section 164 Cr.P.C. and nature of allegations, which do not disclose any overt criminal allegation against the instant petitioners, this Court is inclined to allow petitioners' prayer for grant of anticipatory bail.

Petitioners' prayer for anticipatory bail is allowed.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on



furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra, in connection with Sonepur (Hariharnath O.P.) P.S. Case No. 902 of 2022, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also subject to the following conditions:

- (i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.
- (ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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