

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21248 of 2023

Arising Out of PS. Case No.-53 Year-2022 Thana- MAHILA PS District- Gaya

Sonu Kumar, Son of Shiv Ratan Ram, Resident of Village- Karsilli, P.S. -
Vishunupad, Distt. - Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Mahila Thana P.S. Case No. 53 of 2022 registered for the offence punishable under Sections 376, 493, 366, 354(D) and 313/34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act. He has got one criminal antecedent.

As per the prosecution story, on 06.04.2022 at about 09:00 A.M., when the informant went to the market one Monu Kumar kidnapped her and brought her to Patna. The said Monu Kumar made physical relationship with the informant for about two months and when the informant got pregnant, he called his mother and brother Sonu Kumar (this petitioner) to abort her. All her ornaments were snatched and said Monu Kumar took



objectionable photographs with the informant. When the informant reached her parents house, the said Monu Kumar asked for Rs.5,00,000/- stating that he has married with this informant with her consent and also threatened the informant to make her photographs and video viral in the society.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the present petitioner is the younger brother of the main accused and has not been assigned any specific role in kidnapping the victim girl. It is further submitted that only ornamental allegations have been alleged against the whole family members of the petitioner.

Learned APP for the State has opposed the anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is submitted that the specific allegation of taking away the victim girl-informant is only against co-accused Monu Kumar, the fact that she was allegedly taken away by Monu Kumar on 06.04.2022 but her parents did not lodge any FIR and only after three months the present FIR has been lodged by the victim girl in which the whole family has been made accused by making alleged ornamental allegations, further considering the



submission that this petitioner is the younger brother of said Monu Kumar and no role has been assigned to him in the matter of taking away the victim girl, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner shall be released on bail in connection with Mahila Thana P.S. Case No. 53 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned S.D.J.M., Sadar, Gaya, 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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