

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23806 of 2023

Arising Out of PS. Case No.-45 Year-2022 Thana- MANSURCHAK District- Begusarai

1. Sintu Tanti, S/O Sri Suraj Tanti, Resident Of Village- Satha Chakka Ward No.- 8, P.S.- Mansurchak, District- Begusarai.
2. Mithun Tanti, S/O Sri Suraj Tanti, Resident Of Village- Satha Chakka Ward No.- 8, P.S.- Mansurchak, District- Begusarai.
3. Umesh Tanti, S/O Sri Suraj Tanti, Resident Of Village- Satha Chakka Ward No.- 8, P.S.- Mansurchak, District- Begusarai.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kr. Thakur, Advocate Mrs. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s :		Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners seek bail in connection with Mansurchak P.S. Case No. 45 of 2022 registered on 19.05.2022 for the alleged offences under Sections 363, 366(A), 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioners and other co-accused persons kidnapped the minor daughter of the informant and when the informant went to the house of co-accused Suraj Tanti to make inquiry they abused him and became bent upon assaulting him.



4. The learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. No occurrence as alleged has ever taken place. In fact, the present informant and his brother and others forcibly kidnapped the brother of the petitioners, namely, Mahesh Kumar and had been giving evasive reply to the father of the petitioners when he asked about his whereabouts. Since police did not lodge any case, father of the petitioner lodged a complaint case bearing Complaint Case No. 748C of 2022. After filing the said case, in retaliation thereof the informant has filed the present case. The brother of the petitioners, namely, Mahesh Kumar is still traceless. The prosecution case is not believable that the younger daughter of the informant went with her elder sister when she was kidnapped and her elder sister did not raise any alarm. Learned counsel further submits that the statement of the victim girl was recorded wherein she submitted that after getting scolded by her parents she left her house without information to anyone and thereafter went to Delhi where she started working as a maid and later on she returned to her village. She further submits that no one kidnapped her so there was no kidnapping. The police after investigation submitted final report in the present case stating it to be a mistake of fact but the learned



Judicial Magistrate differed with the police report and took cognizance against the petitioners. Petitioners are in custody since 31.01.2023. The petitioners are having clean antecedent.

5. Learned APP opposes the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl absolving the petitioners and also considering the period of custody of the petitioners, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Begusarai in connection with Mansurchak P.S. Case No. 45 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioners will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bonds of the petitioners will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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