

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33388 of 2023

Arising Out of PS. Case No.-538 Year-2019 Thana- SONEPUR District- Saran

Raja Kumar @ Raja Babu Kumar S/O Raj Vanshi Mahto R/O Village-
Shobhepur, P.S- Naya Gaon, Distt.- Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Dr. Rajesh Kumar Singh, Advocate
For the Opposite Party : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Sonepur P.S. Case No. 538 of 2019 registered for the offences punishable under Section 366(A) of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, on 18.07.2019 around 10:30 A.M. the daughter of the informant had gone for 9th Class Examination and when she did not return till evening, the informant searched for her but failed to trace her. It is alleged that some days prior to missing of his daughter, co-accused Manish Kumar, Urmila Devi and this petitioner attended a marriage ceremony where the informant, his wife and his daughter were also present. It is further alleged that co-accused



Manish Kumar has taken the phone number of the daughter of the informant. It is also alleged that co-accused Manish Kumar threatened the wife of the informant on call that he will take away her daughter for the purposes of marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the name of this petitioner has transpired on mere suspicion because he was also present in the marriage ceremony. It is further submitted that co-accused Urmila Devi has already been granted bail in Cr. Misc. No. 71416 of 2019 and co-accused Manish Kumar has been granted bail as a juvenile.

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

6. Having regard to the submissions that the thrust of the allegations are against the boy, namely, Manish Kumar who is a co-accused in this case and has been granted bail as a juvenile, the co-accused Urmila Devi has already been granted privilege of pre-arrest bail by a learned Co-ordinate Bench of this Court in Cr. Misc. No. 71416 of 2019 and that the name of this petitioner has transpired on mere suspicion because he was also present in the marriage ceremony, this Court directs that in



case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Sonapur P.S. Case No. 538 of 2019 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 Chief Judicial Magistrate, Saran at Chapra, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. 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.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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