

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33755 of 2023

Arising Out of PS. Case No.-17 Year-2023 Thana- BALIYA District- Begusarai

1. AJAY KUMAR Son of Manoj Khalipha Resident of Village - Haripur, P.S.- Alauli, District - Khagaria
2. Rupam Devi Wife of Ajay Kumar Resident of Village - Haripur, P.S.- Alauli, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel appearing on behalf of the
petitioners and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioners seek bail in connection with Ballia
P.S. Case No. 17 of 2023 registered for the offence under
Section 363, 365, 366(A), 372, 34 of the Indian Penal Code and
later on Sections 372, 376 of the Indian Penal Code and Section
6/9 of Immoral Traffic (Prevention) Act.

The accused/petitioners are named in the F.I.R. and
are in custody since 23.01.2023.

The allegation against the petitioners is to kidnap the



minor girl (name withheld) aged about 16 years for the purpose of illicit intercourse, where allegation is also to involve in Immoral Traffic Act.

Learned counsel appearing on behalf of the petitioners submitted that from the bare narration of the FIR, it appears that thrust of allegation as regard to kidnapping is available against unknown co-accused persons, who later on came to know as Ramchandra Pandit. It is also submitted that as both petitioners being wife and husband was the part of the crowd and was querying about the presence of victim with co-accused Ramchandra Pandit, they out of misconception implicated with present case on the statement of victim that petitioners were called by co-accused Ramchandra Pandit at railway station. It is further submitted that except this much limited allegation, nothing appears incriminating against both petitioners, who are of clean antecedents and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above and by taking note of fact, crux of allegation qua kidnapping is available against co-accused Ramchandra Pandit,



coupled with the fact that charge-sheet has already been submitted, where petitioners are in custody since 23.01.2023, accordingly, both above named petitioners, are directed to be released on bail in connection with Ballia P.S. Case No. 17 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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