

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37990 of 2023

Arising Out of PS. Case No.-68 Year-2023 Thana- BHAGWANPUR District- Vaishali

1. Krishna Bihari Singh Son of Late Giriya Singh Resident of Village - Rampur Bakhra, P.S.- Bhagwanpur, District - Vaishali.
2. Usha Devi Wife of Krishna Bihari Singh Resident of Village - Rampur Bakhra, P.S.- Bhagwanpur, District - Vaishali.
3. Chanchala Kumari Wife of Vinay Kumar Chaudhary Resident of Village - Bhatauliya, P.S.- Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suneil Kumar Thakur, Advocate
For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 17-10-2023 Heard Mr. Suneil Kumar Thakur, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Bhagwanpur P.S. Case No. 68 of 2023, registered for the offences punishable under Sections 363 and 366 of the Indian Penal Code.

3. Allegedly, on 21.02.2023, the petitioner no. 1 took away the daughter of the informant, namely, Preety Kumari, aged about 18 years on the pretext that his grand daughter has called her. When the informant's daughter did not return till late night, the informant went to the house of the petitioner no. 1 to inquire about his daughter, whereupon his elder daughter told



that her parents along with 'Aditi' and his daughter 'Preety Kumari' went to market, but even after lapse of 3-4 days, she did not return. On 28.02.2023, when the informant met to petitioner no. 1 he told him that his *natani* did not come to his house and he has no knowledge about the daughter of the informant. The informant has claimed that the petitioner no. 1, his wife and elder daughter and grand daughter has sold his daughter 'Preety Kumari' or have kidnapped for some immoral activities.

4. Learned counsel appearing on behalf of the petitioners submits that in fact no such occurrence took place and the present case is nothing but a counter blast to Bhagwanpur P.S. Case No. 48 of 2023, which has been instituted by the petitioner no. 1. He next submitted that from the FIR, it is evident that the alleged occurrence took place on 21.02.2023, but surprisingly, the case has been instituted on 18.03.2023 and no explanation for such delay has been assigned. He next submits that subsequently the victim girl was recovered and her statement was recorded under Section 164 Cr.P.C., wherein, she has not made any allegation of kidnapping against the petitioners, rather she has stated that she voluntarily left her house. All the more, the victim is a major one. He lastly



submits that the petitioner are persons of fair antecedent and they undertakes that they will fully co-operate in the investigation or in the proceeding of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 Cr.P.C., coupled with the delay in lodging of the FIR and the fair antecedent of the petitioners, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate 1, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 68 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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