

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39658 of 2022

Arising Out of PS. Case No.-39 Year-2022 Thana- KUTUMBA District- Aurangabad

1. LALENDU SINGH @ DAROGA JI Son of Ram Kisun Singh Resident of Village - Pola Godiha, P.S.- Kutumba, Distt.- Aurangabad.
2. Nipu Kumar Singh Son of Lalendu Singh Resident of Village - Pola Godiha, P.S.- Kutumba, Distt.- Aurangabad.
3. Usha Devi @ Uma Devi W/o Lalendu Singh Resident of Village - Pola Godiha, P.S.- Kutumba, Distt.- Aurangabad.
4. Lalu Singh Son of Ram Kisun Singh Resident of Village - Pola Godiha, P.S.- Kutumba, Distt.- Aurangabad.
5. Manju Devi W/o Lalu Singh Resident of Village - Pola Godiha, P.S.- Kutumba, Distt.- Aurangabad.
6. Pawan Kumar Singh @ Ranjit Kumar Son of Lalendu Singh Resident of Village - Pola Godiha, P.S.- Kutumba, Distt.- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priya Devi, Wife of Nipu Kumar Singh, D/o Saket Kumar Singh, R/o-village- Bala Karma, P.S- Muffassil, Dist- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Amit Anand, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Rahul Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 24-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners, learned counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case



registered for the offences punishable u/s 364 of the Indian Penal Code.

As per the prosecution case, the petitioners are alleged to have abducted Priya Devi with intent to kill or to sell.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. Learned counsel has further submitted that the victim in her statement recorded under section 164 Cr.P.C. has not stated a single whisper regarding her abduction against the petitioners. Hence no case is made out against the petitioners under section 364 Cr. P.C. The victim is a major lady. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

Learned counsel for the informant and learned A.P.P. for the State have vehemently opposed the prayer for anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned Aurangabad in connection with Kutumba P.S. Case



No. 39 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure with a condition:-

The court below shall verify the criminal antecedent of the petitioners and at any stage, if it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bonds of the petitioners. 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.

(Chandra Prakash Singh, J)

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