

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42364 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- BANGARA District- Samastipur

RAHUL KUMAR @ RAHUL RAJ S/O VINOD KUMAR BHAGAT @
VINOD CHAURASIYA R/O VILLAGE- KOTHIA, WARD NO. 03, PS.
N.H. BANGARA, DIST. SAMASTIPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 42429 of 2023

Arising Out of PS. Case No.-23 Year-2023 Thana- BANGARA District- Samastipur

1. RAM NARESH BHAGAT @ RAM NARESH CHAURASIA SON OF
LATE SIYARAM BHAGAT @ SIYARAM CHAURASIA R/O VILLAGE-
KOTHIA, P.S.- N.H.BANGARA, DISTRICT- SAMASTIPUR
2. MUNIA DEVI WIFE OF RAM NARESH BHAGAT @ RAM NARESH
CHAURASIA R/O VILLAGE- KOTHIA, P.S.- N.H.BANGARA,
DISTRICT- SAMASTIPUR
3. RINKESH KUMAR @ REEGNKESH KUMAR SON OF RAM NARESH
BHAGAT @ RAM NARESH CHAURASIA R/O VILLAGE- KOTHIA,
P.S.- N.H.BANGARA, DISTRICT- SAMASTIPUR
4. RAUSHAN KUMAR SON OF VINOD KUMAR BHAGAT @ VINOD
CHAURASIYA R/O VILLAGE- KOTHIA, P.S.- N.H.BANGARA,
DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 42364 of 2023)

For the Petitioner/s : Mr.Amar Kumar Singh

For the Opposite Party/s : Mr.Sharda Kumari

(In CRIMINAL MISCELLANEOUS No. 42429 of 2023)

For the Petitioner/s : Mr.Amar Kumar Singh

For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-10-2023

Heard Mr. Amar Kumar Singh, learned counsel for



the petitioners and Mr. Sharda Kumari, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with N.H. Bangara P.S. Case No. 23 of 2023 under Sections 363 and 366 of the Indian Penal Code.

The daughter of the informant is alleged to have been abducted by the petitioners for the purpose of marriage.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence. He further submits that in fact the victim was in love with the co-accused, Abhishek Kumar and both of them have performed marriage voluntarily on 16.02.2023 and they are living happily together, this fact has been supported by the victim in her statement recorded under Section 164 Cr.P.C. He further submits that the parties have filed compromise petition before the court below, which would be evident from Annexure-3 to the petition. Moreover, co-accused, Abhishek Kumar, who happens to be husband of



the victim, has already been granted bail by a co-ordinate Bench of this Court vide order dated 08.09.2023 passed in Cr. Misc. No. 54254 of 2023 and the petitioners are happen to be friend and family members of the co-accused, Abhishek Kumar and they have not played any role in the alleged offence.

Learned A.P.P. for the State on the basis of material available on record vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail, in the event of arrest or surrender before the court below within a period of four weeks, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Samastipur in connection with N.H. Bangara Case No. 23 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C. and also with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed



by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioner have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond 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.

(Rajesh Kumar Verma, J)

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