

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54185 of 2023

Arising Out of PS. Case No.-141 Year-2023 Thana- KHAIRA District- Saran

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1. Sushila Devi, Wife of Motilal Rai, R/O- Baddi Dhobwal, P.S.- Khaira, Distt.- Saran at Chapra
 2. Vinay Kumar, Son of Motilal Rai, R/O- Baddi Dhobwal, P.S.- Khaira, Distt.- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate

For the Opposite Party/s : Mrs. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2023 Heard Mr. Nawal Kishore Singh, learned counsel appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Khaira P.S. Case No. 141 of 2023 registered for the offences punishable under Sections 363 and 366(A) of the Indian Penal Code.

3. Allegedly when the daughter of the informant went to attend the nature of call, in the meantime, all the accused persons, including the petitioners, kidnapped her and taken away for the purpose of trade or for marriage.

4. Learned counsel appearing on behalf of the



petitioners submits that from the narration made in the F.I.R., it is evident that the occurrence took place on 28.03.2023, but the F.I.R. has been instituted after a delay of 19 days i.e. on 17.04.2023 without furnishing any explanation. He next submitted that subsequently the victim was recovered and her statement was recorded under Section 164 of the Cr.P.C. wherein she has not made any allegation against the petitioners, rather she stated that she had love affair with one Anand Kumar, who happens to be the son of petitioner no.1. He next submits that during the course of investigation neither any material has come against the petitioners nor in the statement of the victim recorded under Section 164 of the Cr.P.C., there is any allegation against them and only because of the fact that the petitioners are mother and brother of co-accused Anand Kumar, their names have been implicated in this case with some ulterior motive. That apart, the petitioners are persons of fair antecedent.

5. On the other hand, learned APP for the State opposes the bail application and submits that the petitioners are engaged in trafficking of girls and women.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging the F.I.R. and the statement of the victim recorded under Section



164 of the Cr.P.C. wherein she has not taken the name of the petitioners, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Khaira P.S. Case No. 141 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioners.

(Harish Kumar, J)

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