

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50490 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- ITARHI District- Buxar

1. Munna Ram Son Of Hiralal Ram Resident Of Village - Dharmapura, P.O. - Pasahara, P.S. - Itarhi, District - Buxar
2. Kaushalya Devi Wife Of Munna Ram Resident Of Village - Dharmapura, P.O. - Pasahara, P.S. - Itarhi, District - Buxar
3. Dharmendra Kumar @ Dharmendra Ram Son Of Munna Ram Resident Of Village - Dharmapura, P.O. - Pasahara, P.S. - Itarhi, District - Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan
For the Opposite Party/s : Mr. Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 23-08-2023 Heard Ld. counsel for the petitioners and the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Itarhi P.S. Case No. 04 of 2023, registered for the offences punishable under Sections 363, 366 (a) and 34 of the Indian Penal Code.

3. The prosecution case as emerging from the FIR is that on 04.01.2021, the daughter of the informant was kidnapped by one Jitendra Ram with intent to marry her.

4. Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this



case. He further submits that the main accused, namely, Jitendra Ram is already in custody and the alleged victim has already been recovered and she is living at her parental home and she has even been examined under Section 164 Cr.P.C. in which she has early stated that she had married after fleeing away from home. However, her parents are not agreeing to this marriage. He also submits that in the whole statements of the alleged victim under Section 164 Cr.P.C., no role of the petitioners have been alleged.

5. It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.

6. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

7. However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

8. Considering the aforesaid facts and circumstances, **this application is allowed**, directing the petitioners, above-named, to be enlarged on bail in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /-



(Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. C.J.M., Buxar/ A.D.J. VIth- cum-Spl. Court POCSO Act, Buxar, in connection with Itarhi P.S. Case No. 04 of 2023 subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bond of the petitioners.

9. Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

ashishkr/-

(Jitendra Kumar, J)

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