

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50565 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- MOKAMAH District- Patna

1. PRATIMA DEVI Wife of Manoj Paswan Resident of Village - Mor, P.S.- Mokama, District - Patna
2. Manoj Paswan Son of Late Gaya Paswan Resident of Village - Mor, P.S.- Mokama, District - Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52531 of 2022

Arising Out of PS. Case No.-98 Year-2022 Thana- MOKAMAH District- Patna

1. RAVI KUMAR S/o Dinesh Paswan Resident of Village- Mor, P.S.- Mokama, District- Patna.
2. RAJU KUMAR S/o Dinesh Paswan Resident of Village- Mor, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50565 of 2022)

For the Petitioner/s : Mr.Arun Kumar Arun

For the Opposite Party/s : Mr.Anant Kumar 1

(In CRIMINAL MISCELLANEOUS No. 52531 of 2022)

For the Petitioner/s : Mr.Arun Kumar Arun

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioners and learned

APP for the State.

The petitioners are apprehending arrest in connection
with Mokama P.S. Case No. 98 of 2022 under sections



364(A)/34 of the Indian Penal Code.

Learned counsel for the petitioners submit that so far as the petitioner no.2 Manoj Paswan (in Cr. Misc. No. 50565 of 2022) is concerned, in view of the fact that he has been arrested and the petition has become infructuous.

As such, he may be permitted to withdraw the petition so far as the petitioner no.2 is concerned.

Prayer is allowed.

Similarly, so far as the petitioner no.2 Raju Kumar (in Cr. Misc. No. 52531 of 2022) is concerned, in view of the fact his name has come along with Saurabh Kumar who took the victim girl on the motorcycle, after some arguments, learned counsel for the petitioners prays for withdrawal of petition of petitioner no.2. Thus the prayer for anticipatory bail of petitioner no.2 Raju Kumar stands dismissed as withdrawn.

As per the FIR, the informant has alleged that the victim girl was taken away by Saurabh Kumar and Raju Kumar in which the family members also participated. Later, the girl was recovered and in her statement recorded under section 164 of the Cr.P.C. she narrated that she was taken by Saurabh Kumar and Raju Kumar on the motorcycle and subsequently the other family members also participated and put vermilion on her head



and later after making video, she was released.

Learned counsel for the petitioners submit that the specific allegation is against Saurabh Kumar and Raju Kumar, the petitioner no.1 of Cr. Misc. No. 50565 of 2022 is the lady, do not have criminal antecedent. Similarly, the petitioner no.1 Ravi Kumar of Cr. Misc. No. 52531 of 2022 is only the relative and nothing to do with the present occurrence.

The learned APP on the other hand opposed the prayer for anticipatory bail stating that the minor victim girl was taken away by the accused persons.

Taking into account the aforesaid fact that the allegation of taking away the victim girl on the motorcycle is against the accused persons Sourabh Kumar and Raju Kumar and so far as the petitioners Pratima Devi and Ravi Kumar are concerned, there is no specific allegation against them, the lady do not have any criminal antecedent, they will cooperate in the investigation and ultimately they have to face the trial, this Court is inclined to grant them relief.

Let the petitioners namely Pratima Devi (in Cr. Misc. No. 50565 of 2022) and Ravi Kumar (in Cr. Misc. No. 52531 of 2022) be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this



order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Barh, Patna, in connection with Mokama P.S. Case No. 98 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/-

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