

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57345 of 2023

Arising Out of PS. Case No.-52 Year-2023 Thana- FATUA District- Patna

1. MOHIT DAS Son of Late Rajendra Das RESIDENT OF VILLAGE
MAKSUDPUR, POLICE STATION FATUHA DISTRICT PATNA
2. SONU KUMAR DAS SIMA DEVI ALIAS SEEMA DEVI RESIDENT OF
VILLAGE MAKSUDPUR, POLICE STATION FATUHA DISTRICT
PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Shanker Pankaj
For the Opposite Party/s : Mr.Sharda Kumari

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 31-08-2023 Heard the parties.

2. The petitioners are in judicial custody in connection with
Fatuha P.S. Case No. 52 of 2023, instituted under Section 366A/34,
lodged on 18.01.2023, by the informant, Satyam Kumar @ Indu
Kumar.

3. As per the prosecution story, the allegation is that the
informant's daughter, 'X' went to attend the classes and failed to
return. On next day, information came that she has been taken away
to his home by one Monu Kumar Das, son of the petitioner No.1 and
brother of the petitioner No.2. Upon enquiry, the petitioner No.1
assured that she will return but later they came to know that she has
been taken away in a car. Accordingly, the F.I.R.

4. Learned counsel for the petitioners submits that the
alleged occurrence took place on 1.12.2022 whereas the F.I.R. was



lodged on 18.01.2023, i.e., after 48 days. Further admittedly, allegation is against the petitioner No.1 son, Monu Kumar Das that he has disappeared with the girl and even the two petitioners herein were unaware of the same. It is the further submission of learned counsel for the petitioners that last week, the girl has returned along with Monu Kumar Das and she has made categorical statement that she went with him and want to live with Monu Kumar Das.

5. Learned APP opposes the prayer for bail, stating that as per the petition, the girl has not been recovered. .

6. Considering the aforesaid submissions put forward by learned counsel for the petitioners, admittedly, the main allegation is against Monu Kumar Das, these two petitioners are father and brother and as per the categorical submission of learned counsel, the girl has returned and wanted to live with said Monu Kumar Das, they are in custody since 18.01.2023 (paragraph 12 of the bail petition), do not have criminal antecedent, this Court is inclined to grant them privilege of bail. However, if it is found that the statement regarding return of the girl and her desire to live with Monu Kumar Das is wrong, the bail order shall become infructuous.

7. Let both the petitioners be released on bail on furnishing bail bond of Rs. 10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Fatuha P.S. Case



No. 52 of 2023, to the satisfaction of learned Judicial Magistrate Ist Class, Patna City, Patna, subject to following conditions:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself,

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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