

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59763 of 2023

Arising Out of PS. Case No.-691 Year-2022 Thana- AMARPUR District- Banka

1. Mukesh Kumar Son Of Kamdeo Das Resident Of Village- Sultanpur P.S.-
Amarpur, District- Banka
2. Suraj Kumar Son Of Kamdeo Das Resident Of Village- Sultanpur P.S.-
Amarpur, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya, Advocate

For the Opposite Party/s : Mr.Md. Nazir Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 07-10-2023

Heard the parties.

2. The petitioners are apprehending arrest in connection with Amarpur P.S. Case No. 691 of 2022 instituted under under Sections 323, 341, 366, 367, 384, 504, 34 of the Indian Penal Code lodged on 4.12.2023 by the informant, Sajni Devi.

3. As per the prosecution story, the informant alleged that her son has been forcibly taken away by the family members of Khusboo Kumari for the purpose of marriage. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the two petitioners are sons of Kamdeo Das and brothers of



Khusboo Kumari. They have nothing to do with the affairs between the parties and only because the marriage has taken place, entire family members have been roped in.

5. Learned APP opposes the prayer.

6. Taking into account the fact that the main allegation is against the parents of Khusboo Kumari, the two petitioners are her brothers, they do not have criminal antecedent and are young boys, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Amarpur P.S. Case No. 691 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Banka or successor court subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other 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 co-operate in the investigation and make themselves available to the police as and when required;

(iv) 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 the bail bonds;

(v) 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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