

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65172 of 2023

Arising Out of PS. Case No.-557 Year-2023 Thana- DEHRI TOWN District- Rohtas

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1. Parshu Ram Chandravanshi @ Nishan Chandravanshi @ Parshuram Singh @ Nishan son of Late Guput Singh
 2. Poonam Devi wife of Parshuram Chandravanshi @ Nishan Chandravanshi @ Parshuram Singh @ Nishan

Both resident of Village- Khairahan PS- Dehri(M), Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad, Advocate
		Mr.Binod Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 19-10-2023 Heard Mr. Bhola Prasad along with Mr. Binod Kumar Mishra, learned counsel appearing on behalf of the petitioners and Mr. Ram Sevak Choudhary, learned APP for the State.

2. Petitioners seek pre-arrest bail in connection with Dehri (Town) Nagar P.S.Case No.557 of 2023, registered for the offences punishable under Sections 366 of the Indian Penal Code.

3. Learned counsel appearing on behalf of the petitioners seeks to ignore the typed copy of the FIR.

4. As per the allegation made in the FIR, the maternal uncle (*fufa*) and his wife, namely, Pooam Devi (*fufi*), who are



petitioner nos.1 and 2 respectively before this Court, had co-operated their nephew (Vicky Kumar Chandravanshi) in kidnapping the daughter of the informant.

5. Mr. Bhola Prasad, Advocate, along with Mr. Binod Kumar Mishra, Advocate-on-Record, submits that co-accused Vicky Kumar Chandravanshi was in outside relationship with the victim girl. Learned counsel further submits that petitioner nos.1 and 2 have no role in the alleged kidnapping of the victim girl, however, the victim girl, as per the knowledge and instruction to the learned counsel, has not been recovered for her statement under Section 164 Cr.P.C., in accordance with law.

6. Learned counsel further submits that the petitioners have been informed that both the victim and the co-accused Vicky Kumar Chandravanshi are living together in a clandestine manner.

7. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

8. Having considered the rival submissions made on behalf of the parties and also considering the nature of allegation made against the petitioner nos. 1 and 2, the learned district court is directed to call for a report from the



Superintendent of Police, Rohtas relating to recovery of the victim girl, who is the daughter of the informant. Such report is directed to be submitted before the learned district court within a period of six weeks from the date of passing of this order.

9. Considering the fact that the petitioner nos.1 and 2 have *prima facie* made out a case that they are not involved in the alleged kidnapping of the victim girl as well as the fact that co-accused Vicky Kumar Chandravanshi is also absconding, I find it proper that the petitioners, above named, be released on provisional pre-arrest bail in connection with Dehri Town P.S.Case No.557 of 2023 pending before the court of SDJM, Dehri till the submission of the report by the Superintendent of Police, Rohtas, on such terms and conditions as laid down under Section 438(2) of the Cr.P.C..

10. In case the victim girl is recovered and her statement recorded under Section 164 Cr.P.C. reveals that as per her own desire and wishes, she was living with co-accused, Vicky Kumar Chandravanshi, in that case, the provisional bail granted by this Court shall be made absolute by the concerned district court on such terms and conditions as laid down under Section 438(2) of the Cr.P.C..

11. The Superintendent of Police, Rohtas must not



delay in submitting his report after recovery of the victim girl within the aforesaid period of six weeks or in case he requires further time, he may make a written request by filing an affidavit duly sworn by him within a period of six weeks before the district court.

12. With the above observation/direction, the present application is disposed of.

(Purnendu Singh, J)

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