

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63369 of 2022

Arising Out of PS. Case No.-636 Year-2020 Thana- CHAPRA TOWN District- Saran

1. PRINCE KUMAR S/o Late Dwarika Prasad @ Dwarika Sah R/v- Parsa Garh, P.S.- Ekma, District- Saran
2. SHUBHAM KUMAR @ HIMANSHU KUMAR S/o Ajay Prasad R/v- Chhota Telpa, P.S.- Chpra Town, District- saran
3. GUNJA DEVI W/o Ajay Prasad R/v- Chhota Telpa, P.S.- Chpra Town, District- saran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Harsh Anuj, Advocate
For the Opposite Party/s : Mr.Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 15-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in the present case are seeking pre-arrest bail in connection with Chapra Town P.S. Case No.- 636 of 2020 registered for the offences punishable under Sections 363, 366(A)/34 of the Indian Penal Code.

Petitioner no. 1 has got one criminal antecedent. However, learned counsel for the petitioners submits that he is on bail in the said case. So far as, petitioner nos. 2 and 3 are concerned, they are not having any antecedent.

As per the prosecution story, petitioners along with six accused persons have kidnapped the informant's daughter



aged 16 years and niece aged 15 years for the purpose of marriage or ransom.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that the informant's daughter had eloped and was not kidnapped as she was in love with the petitioner no. 1. The petitioners are framed by the informant in a false case in order to save the prestige of the family.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

Learned counsel for the petitioners submits that on a bare perusal of the statement of the victim girl recorded under Section 164 Cr.P.C. which has been annexed as Annexure '3' to the application, it would appear that she claims herself major and accepts that she was not kidnapped by anyone. She has solemnized marriage with petitioner no. 1 and both of them are living happily.

In the aforesaid view of the matter, even as earlier case diary was called for which has not been received, this Court is of the considered opinion that the petitioners deserve the privilege of pre-arrest bail, this Court directs release of the petitioners above named on bail in the event of their arrest or



surrender within a period of four weeks from today in connection with Chapra Town P.S. Case No.- 636 of 2020 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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