

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69792 of 2023

Arising Out of PS. Case No.-99 Year-2013 Thana- LAUKAHI District- Madhubani

Ram Jiwan Das S/O Bittu Das Resident Of Village- Harbhanga, P.S- Laukahi,
Distt- Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Pranav Kumar, Advocate Ms. Kumari Seema Singh, Advocate Ms. Kumari Rupa, Advocate
For the Opposite Party/s :	Mr. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 06-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. In the present case, the petitioner seeks bail in connection with Laukahi P.S. Case No. 99 of 2013 registered on 14.09.2013 for the alleged offences under Sections 366(A)/376 of the Indian Penal Code.

03. As per prosecution case, the informant gave a written report that his minor daughter was kidnapped by co-accused Bishwanath Das and on the basis of the report of the informant, police recovered his minor daughter from the house of the co-accused. Thereafter again on 13.09.2013, the aforesaid co-accused along with this petitioner and other co-accused persons were forcibly taking away the minor girl of the informant, who raised alarm and when the people from



neighbourhood ran for her rescue, the petitioner and other co-accused persons fled away from the spot.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case since he is relative of Krihsna Kumar Das, the father of the co-accused Bishwanath Das. There is enmity between the family of the informant and the family of the Krishna Kumar Das as he lodged Laukahi P.S. Case No. 36 of 2011 under Section 307 IPC with allied sections of the Indian Penal Code against the informant and his family members. Learned counsel further submits that the daughter of the informant was in love with co-accused Bishwanath Das and even the allegation of rape is against him. Other similarly placed co-accused persons, namely, Arvind Das and Shiv Kumar Das have been granted bail by a Co-ordinate Bench vide order dated 13.04.2022 passed in Criminal Misc. No. 57302 of 2021. The petitioner is in custody since 08.06.2023 and charge-sheet has been submitted. The petitioner has got no criminal history.

05. Learned APP for the State opposes the prayer for bail submitting that serious allegation has been levelled against the co-accused and the petitioner.

06. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the non-specific nature of allegation against the petitioner and also considering the grant of bail to similarly placed co-accused persons and further considering the period of custody of the petitioner along with submission of charge-sheet, the petitioner above named is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III in connection with Laukahi P.S. Case No. 99 of 2013 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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