

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79651 of 2023

Arising Out of PS. Case No.-14 Year-2021 Thana- BIHARIGANJ District- Madhepura

1. JYOTISH RAI Son of Suresh Rai @ Suresh Mondal R/o vill - Manjora, P.S. - Bihariganj, Distt. - Madhepura
2. Ratan Kumar Rai Son of Sri Suresh Rai @ Suresh Mondal R/o vill - Manjora, P.S. - Bihariganj, Distt. - Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 14-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363, 366 (A) of the Indian Penal Code.

3. As per F.I.R., allegation against the petitioners are of kidnapping the minor daughter of the informant.

4. It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in the present case. Petitioners have got no criminal antecedent mentioned in Para 3 of the bail application. He further submits that the statement of victim was recorded under Section 164 Cr.P.C. in



which she has not supported the prosecution case. In the medical report the age of the victim girl is shown as 18-20 years. There is no case made out under POCSO Act.

5. Learned APP for the State has opposed the prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and also the statement of the victim under Section 164 Cr.P.C does not support the prosecution case, let the above named petitioners, be released on bail, in the event of their arrest, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending/ successor Court in connection with Bihariganj P.S. Case No. 14 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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