

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.637 of 2023

Arising Out of PS. Case No.-247 Year-2022 Thana- VAISHALI District- Vaishali

1. Malti Devi W/O Ajay Sah Resident of village- Hajpura, P.S.- Belsar, O.P.- (Vaishali), District- Vaishali at Hajipur.
2. Ankit Kumar S/O Ajay Sah Resident of village- Hajpura, P.S.- Belsar, O.P.- (Vaishali), District- Vaishali at Hajipur.
3. Sonu Kumar S/O Baidnath Rai Resident of village- Jaragi, P.S.- Belsar, O.P.- (Vaishali), District- Vaishali at Hajipur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 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 Vaishali (Belsar O.P.) P.S. Case No. 247 of 2022 registered for the offences punishable under Sections 363, 365, 366/34 of the Indian Penal Code. They have got no criminal antecedent.

As per the prosecution story, the informant in his written report alleged that Meena Devi and Malti Devi used to visit his house and in that course, they facilitated his daughter to talk with Rohit Kumar on mobile. It is further alleged that on 20.06.2022 when the informant and his wife were not in the house and came to house on 21.06.2022 then came to know that



F.I.R named accused persons including the petitioners kidnapped his daughter and they also committed theft of ornaments, valuable documents and cash of Rs. 18,000/-. The informant further alleged that when he visited the house of Rohit Kumar then they attempted to assault him.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the victim girl has married to the co-accused Rohit Kumar on her own volition and these petitioners are not related to the family of the co-accused.

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

Having regard to the submission that from Annexure '2', it will appear that the victim girl has married to the co-accused Rohit Kumar on her own volition, she has declared her date of birth as 08.02.1999 and as far as these petitioners are concerned, they are not related to the family of the co-accused, they have otherwise no criminal antecedent, in the circumstances, 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 Vaishali (Belsar O.P.) P.S. Case No. 247 of 2022 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 C.J.M., Vaishali at Hajipur, 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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