

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6349 of 2024

Arising Out of PS. Case No.-370 Year-2022 Thana- RAFIGANJ District- Aurangabad

1. Basanti Devi W/o Arun Paswan R/o vill - Sonbarsa, P.s. - Rafiganj, Distt. - Aurangabad
2. Vicky Kumar Son of Arun Paswan R/o vill - Sonbarsa, P.s. - Rafiganj, Distt. - Aurangabad
3. Arun Paswan Son of Jagdish Paswan R/o vill - Sonbarsa, P.s. - Rafiganj, Distt. - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vishwa Ranjan Choudhary, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 16-04-2024 Heard Mr. Vishwa Ranjan Chaudhary, learned counsel for the petitioners and Mr. Jitendra Kumar Singh, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Rafiganj P.S. Case No. 370 of 2022 for the offence under Sections 366(A), 506 and 34 of the I.P.C. lodged on 10.10.2022 by the informant, Sunita Devi.

3. As per the prosecution story, the informant alleged that her daughter went out to fill an examination form but failed to return and later it came to know that Vivek Kumar who is related to the petitioners inasmuch as is son of petitioner No. 1



and 3 and brother of petitioner No. 2 has taken her home. Upon confronting with the family, it is alleged that these petitioners abused and assaulted the informant, followed by the FIR.

4. Learned counsel for the petitioners submit that the allegation is of 26.09.2022 where the FIR came to be lodged on 10.10.2022 and there is nothing on record for the said inordinate delay. Further, even as per the FIR, the main allegation is against Vivek Kumar of taking away the girl and these petitioners who are parents and brother have no role to play in it.

5. Learned APP, Mr. Jitendra Kumar Singh on the other hand submits that the girl has still not return and further as per the case diary, the direction was given to the police to take steps under Section 82 and 83 of the Cr.P.C.

6. To this learned counsel for the petitioners submits that till date the processes under Sections 82 and 83 have not been executed.

7. Taking into account the aforesaid facts as also that they are parents and brother, main allegation is against Vivek Kumar, none of them have criminal antecedent though there has been delay in approaching the Court, as strongly submitted by learned counsel for the petitioners that Sections 82 and 83



Cr.P.C. processes have still not be executed against them, this Court is inclined to extend them privilege of anticipatory bail with conditions.

8. However, if the said statement if found to be untrue, the order shall become infructuous.

9. Let the petitioners be released on bail in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Aurangabad in connection with Rafiganj P.S. Case No. 370 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Adnan/-

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