

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5611 of 2024

Arising Out of PS. Case No.-483 Year-2023 Thana- SAKRA District- Muzaffarpur

1. MAHABIR RAM SON OF GANGU RAM RESIDENT OF VILLAGE - BAJIRAUT, WARD NO.07, P.S. - SAKRA, DISTRICT - MUZAFFARPUR
2. LALBABU RAM @ LALBABU KUMAR RAJ SON OF SHRI MAHABIR RAM RESIDENT OF VILLAGE - BAJIRAUT, WARD NO.07, P.S. - SAKRA, DISTRICT - MUZAFFARPUR
3. RABIN RAM @ RABIN KUMAR RAM SON OF SHRI MAHABIR RAM RESIDENT OF VILLAGE - BAJIRAUT, WARD NO.07, P.S. - SAKRA, DISTRICT - MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hans Lal Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-04-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Sakra P.S. Case No. 483 of 2023 for the offence registered under sections 363, 366(A) and 34 of the Indian Penal Code lodged on 27.09.2023 by the informant, Indrajeet Chaudhary.

3. As per the prosecution story, the informant alleged that his daughter had gone to the Intermediate High School but failed to return and later it came to knowledge that Ratan Ram had taken her away. Accordingly, the F.I.R.

4. Learned Counsel for the petitioners submit that



while petitioner no. 1 is the father, the petitioner nos. 2 and 3 are the brothers of Ratan Ram. Further, the Ratan Ram and the girl was in the relationship and in any case, only because they are family members, they have dragged in the F.I.R.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that under section 164 of the Cr.P.C., upon return, the girl alleged that she was taken by Ratan Ram in a train forcibly and after forcing her to consume some drinks which made her unconscious.

6. From the aforesaid statement under section 164 of the Cr.P.C., it is clear that the allegation has been made against Ratan Ram, she has not uttered anything against these petitioners who are father and brothers, they do not have criminal antecedent, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Acting Chief Judicial Magistrate-15th, Muzaffarpur, East in connection with Sakra P.S. Case No. 483 of 2023 subject to condition 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 their 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)

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