

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6438 of 2024

Arising Out of PS. Case No.-163 Year-2023 Thana- DERNI BAZAR District- Saran

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1. RAM SANEHI RAY @ SANEHI RAI SON OF LATE THAKUR @ LATE THAKUR RAY R/O-PAUJHI, P.S.-DERNI, DISTT.-SARAN
 2. PRADEEP KUMAR @ PRADIP KUMAR SON OF RAM SANEHI RAY @ SANEHI RAI R/O-PAUJHI, P.S.-DERNI, DISTT.-SARAN
 3. MUSKAN KUMARI DAUGHTER OF DEV KUMAR RAY R/O-PAUJHI, P.S.-DERNI, DISTT.-SARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-04-2024 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Derni P.S. Case No. 163 of 2023 for the offence registered under sections 363, 366(A) and 34 of the Indian Penal Code lodged on 06.09.2023 by the informant, Laleshwar Rai.

3. As per the prosecution story, the informant alleged that his daughter had gone to the house of Dev Kumar Ray and when she did not return, upon enquiry, it was found that she had gone with an unknown boy. Accordingly, the F.I.R.



4. In this case, case diary as also section 164 of Cr.P.C. statement of the victim girl was/were called for by a co-ordinate bench on 20.02.2024 and the same has been received.

5. Learned Counsel for the petitioners submit that a bare perusal of the same would show that so far as petitioner nos. 1 and 2 are concerned, the girl has not stated anything about them. So far as the petitioner no. 3, Muskan Kumari is concerned, she has recorded that Muskan along with Ujjawal, Nisha took her to hotel, made her drink something as a result whereof she fell unconscious. When she gained consciousness, found herself in the hotel and thereafter she left the place. A small chit of paper was handed over to her by the girls in which five mobile numbers were inscribed which has been incorporated in the section 164 of the Cr.P.C.

6. Learned Counsel for the petitioners submit that none of the mobile numbers belong to them.

7. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the learned Sessions Judge order shows that witnesses have supported the prosecution story.

8. Considering the aforesaid submissions as also the fact that the girl has said nothing about the Ram Sanehi Ray @



Sanahi Rai (petitioner no. 1) and Pradeep Kumar @ Pradip Kumar (petitioner no. 2) and further the petitioner no. 3, Muskan Kumari though major, is a girl, none of them have criminal antecedent, F.I.R. lodged will be facing the trial, this Court is inclined to extend them privilege of anticipatory bail.

9. 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 Court of Judicial Magistrate, Saran at Chapra in connection with Derni P.S. Case No. 163 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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