

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10006 of 2024

Arising Out of PS. Case No.-399 Year-2023 Thana- PAHARPUR District- East Champaran

1. RAJESHWAR SAH S/O LATE KHELAWAN SAH R/O VILLAGE- LAGUNIYA, P.S- PAHARPUR, DISTT.- EAST CHAMPARAN.
2. FULENI DEVI W/O RAJESHWAR SAH R/O VILLAGE- LAGUNIYA, P.S- PAHARPUR, DISTT.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyanka Singh

For the Opposite Party/s : Mr.Anant Kumar 1

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 16-04-2024 Heard learned Senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioners seek regular bail in connection with
Paharpur P.S. Case No. 399 of 2023 registered on 25.09.2023
lodged under Sections 364 and 120B/34 of the I.P.C.

3. As per the prosecution case, F.I.R. has been lodged
against 5 named accused persons including the petitioners
against whom there is an allegation that they have forcefully
kidnapped the son of the informant, and subsequently, killed and
eloped the dead body.

4. Learned Senior counsel for the petitioner submits
that the petitioner is innocent and has committed no offence. He



further submits that petitioner is in custody since 26.09.2023 having no criminal case pending against him. He further submits that from the content of the F.I.R., it becomes crystal clear the petitioner and the alleged victim (son of the informant) went with the daughter of the informant, and thereafter, the daughter of the informant has been recovered but due to fear, the son of the informant has not returned. Counsel further submits that it is not the case of kidnapping and ingredient of Section 364 is also not there.

5. Counsel for the informant vehemently opposes the prayer for bail and submits that whatever be the truth of this occurrence has been narrated by the informant, counsel for the informant submits that when both, son of the informant and daughter of the petitioner were eloped together than they must have been recovered together.

6. Learned counsel for the State opposes the prayer for bail and submits that on the previous occasion, case diary has been called for. Upon perusal of the case diary, it transpires that recovery of the informant son has not been made till date but from the statement made by the daughter of the petitioner made in paragraph 17, it is Petitioner No. 1 who has taken the son of the informant forcefully in presence of his daughter as



such, Petitioner No. 1 shall not be granted bail. So far as petitioner no. 2 is concerned, there is no involvement found after going through the case diary.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner no. 2 be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Paharpur P.S. Case No. 399 of 2023, subject to conditions laid down under Section 437 (3) of the Cr.P.C.

8. Considering the allegation leveled against the petitioner no. 1, this Court is not inclined to enlarge the petitioner no. 1 on bail. As such, the bail application of petitioner No. 1 is hereby rejected.

(Dr. Anshuman, J)

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