

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14642 of 2024

Arising Out of PS. Case No.-206 Year-2023 Thana- TARAIYA District- Saran

1. Mohit Kumar Son of Mahendra Kumar R/o- Ward No-1, Near Jagdish Nayar
Hodal P.S.- Hodal, District – Palwal, Haryana
2. Mahendra Kumar Son of Late Hari Singh R/o- Ward No-1, Near Jagdish
Nayar Hodal P.S. - Hodal, District – Palwal, Haryana

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mrs.Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Taraiya P.S. Case No. 206 of 2023, registered on 27.06.2023 for the offences under Sections 366, 120B, 420/34 of the Indian Penal Code.

3. As per prosecution case, the complainant-informant alleged that the co-accused persons sold his wife and son to petitioner no. 1. Further allegation is that the co-accused wife of the complainant-informant committed misappropriation of money given to her by the complainant-informant.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The whole story of complainant-informant is absurd and not believable. The complainant-informant has also made his wife as accused in this case. In fact, the complainant-informant is a person of very cruel nature and he is a drunker and always used to beat his wife and son. Fed up with his behaviour, the co-accused wife and son of the complainant-informant left him and she started living in Haryana and she got engaged in some private job. Other co-accused persons are father, brother and sister of the co-accused wife of the complainant-informant and it is not believable that they would sell out their own. All the family members of co-accused wife stay at Haryana where co-accused wife went and started her job. The complaint case has been filed after much delay since occurrence has taken place on 09.02.2023 whereas the complaint case has been filed on 01.06.2023 without any explanation. The co-accused wife of the complainant-informant got recorded her statement under Section 164 Cr.P.C. wherein she has categorically stated that she wanted to go with her parents and stated her age to be 24 years and her age was also assessed by the learned Magistrate to be 23 years. This falsifies



all the allegations against the petitioners. The petitioners are having no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the improbability of accusation, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Saran at Chapra/concerned court in connection with Taraiya P.S. Case No. 206 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so



required by the learned trial
court.

(Arun Kumar Jha, J)

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