

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22770 of 2024

Arising Out of PS. Case No.-476 Year-2021 Thana- KHARHAGPUR District- Munger

1. Mangli Devi @Anita Devi @ Mangli Son Of Manoj Bhagat @ Manoj Kumar @Manoj Chaudhary Resident Of Village- Bengali Tola, Ps- Bariarpur, Distt- Munger
2. Manoj Bhagat @ Manoj Kumar @ Manoj Chaudhary Son Of Lakhi Chaudhary Resident Of Village- Bengali Tola, Ps- Bariarpur, Distt- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashid Zafar, Adv.

For the Opposite Party/s : Mr. Pronoti Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-06-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Kharagpur P.S. Case No. 476 of 2021 registered for the alleged offences under Section 366(A) & 34 of the Indian Penal Code.

03. As per prosecution case, the minor daughter of the informant went missing on 20.12.2021. On inquiry the informant came to know that the petitioners helped the co-accused persons in enticing away the daughter of the informant.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The F.I.R. has been lodged after delay of four days for which

there is no explanation. There is no specific allegation against the petitioners and merely suspicion has been raised that they helped the co-accused persons. The learned counsel further submits that the informant is in the habit of making false allegation against the petitioners and with same allegation she has filed Bariarpur P.S. Case No. 10 of 2022 and the learned Co-ordinate Bench after consideration of the statement of the girl recorded under Section 164 of the Code of Criminal Procedure granted anticipatory bail to the petitioners. Learned counsel further submits that the victim girl was recovered at the instance of the Court and her statement under Section 164 of the Code of Criminal Procedure was recorded and in her statement she stated that she went on her own with Ajay Kumar to Jalandhar and solemnized marriage with him on 21.12.2021 and started living as husband and wife. Learned counsel further submits that the co-accused Ajay Kumar has been granted regular bail by this Court *vide* order dated 01.12.2022 passed in Cr. Misc. No. 24859 of 2022 and the case of the petitioner is on much better footing.

05. Learned A.P.P. for the State opposes the submission made on behalf of the learned counsel for the petitioners.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the completely vague nature of allegation and further considering the

statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure completely absolving the petitioners, 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 bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Court of C.J.M., Munger in connection with Kharagpur P.S. Case No. 476 of 2021, subject to the condition 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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