

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19057 of 2024

Arising Out of PS. Case No.-152 Year-2023 Thana- CHORAUT District- Sitamarhi

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Sanny Kumar @ Sanny Kumar Rai Son Of Ashok Yadav @ Ashok Kumar
Resident Of Village- Muraliya Ward No. 9, P.S.- Choraut Distt- Sitarmahi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar, Advocate.
For the State : Mr. Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

5 26-07-2024 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner seeks bail in connection with

Choraut P.S. Case No. 152 of 2023 dated 31.10.2023, registered

for the offences punishable under Sections 302, 120(B) and 34

of the Indian Penal Code and Sections 365 and 366/34 of the

Indian Penal Code.

3. The prosecution case as emerging from the FIR is

that the Petitioner along with other co-accused persons entered

the house of the informant at about 12:30 night and kidnapped

his daughter-in-law and 4 years grand-son and took away Rs.

20,000/- cash., gold, silver, cloth etc.

4. Ld. counsel for the petitioner submits that the

petitioner is innocent and has falsely been implicated in this

case. He refers to the statement of alleged victim Chitralkha

Devi who is a major lady, as made under Section 164 Cr.P.C. in



which she has clearly stated that she had voluntarily gone with co-accused Bobby Kumar and married him on account of being abandonment by her first husband Nitesh Kumar. He further submits that all co-accused persons have been enlarged on anticipatory bail by learned Trial Court itself. He also submits that co-accused Sunny Kumar @ Sunny Kumar Rai has been granted bail by a co-ordinate Bench of this Court vide order dated 21.01.2024 passed in Cr. Misc. 19057 of 2024.

5. The petitioner has been languishing in jail since 25.11.2023.

6. It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

7. It has further been stated in paragraph no. 3 of the petition that the petitioner has got no criminal antecedent.

8. However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Perused the material on record and considered the submissions advanced by both the parties.

10. I find that as per the statement of the alleged victim Chitralekha Devi, she was first married with one Nitesh Kumar, five years back and out of their wedlock, one son



namely, Aryan Kumar is born and who is presently four years of age. However, after one year of marriage, her husband Nitesh Kumar went to Assam, leaving her at his parental home where she was being tortured by her parents-in-law. Hence, she voluntarily left the house of the parents-in-law along with his son and accompanied to co-accused Bobby Kumar and married him out of her own volition at a temple.

11. In view of the statement of the alleged victim Chitrlekha Devi, no offence under Section 365 or 366 of the Indian Penal Code is made out. Any major lady is free to go anywhere as per her sweet will and in case she has married the accused Bobby Kumar, it may be ground for divorce for the first husband. But no offence is made out as per the Indian Penal Code.

12. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Shri Hamja Alam, Ld. Judicial Magistrate, Pupri, Sitamarhi, in connection with Choraut P.S. Case No. 152 of 2023, on the following conditions:-

(i) The petitioner will make himself available for



interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the Court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

(Jitendra Kumar, J)

ravishankar/S.Ali

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