

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21061 of 2024

Arising Out of PS. Case No.-279 Year-2022 Thana- BOCHAHAN District- Muzaffarpur

1. Bittu Rai Son of Jitan Rai @ Jitnarayan Ray Resident of vill.-Harpur Machhiya, harpur Ganesh, P.S.-Kanti, Distt.-Muzaffarpur
2. Manish Rai Son of Jitan Rai @ Jitnarayan Ray Resident of vill.-Harpur Machhiya, harpur Ganesh, P.S.-Kanti, Distt.-Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Yugal Kishore

For the Opposite Party/s : Mr.Bisheshwar Ram

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 12-07-2024 Heard the learned counsel for the petitioners and the learned APP for the State.

2. This is an application for grant of regular bail in connection with Bochahan P.S. Case No. 279/2022, registered for the offences punishable under Sections 363 and 366(A)/34 of the Indian Penal Code.

3. The allegation is regarding the accused persons including the petitioners herein having enticed away the minor daughter of the informant after giving her allurement of marriage with the petitioner no. 1 in the night of 1.7.2022.

4. The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case, they are having a clean antecedent and they are



languishing in custody since 2.1.2024. It is submitted by the learned counsel for the petitioners that as far as the petitioner no. 2 is concerned, a superficial sort of allegation has been levelled and it is the petitioner no. 1, who is alleged to have solemnized marriage with the victim girl, hence, at least, the privilege of bail be granted to the petitioner no. 2.

5. Per contra, the learned APP for the State has submitted, by referring to the case diary in question, as also the statement made by the victim girl under Section 164 Cr.P.C., before the learned Magistrate that the primary allegation is against the petitioner no. 1 of having kidnapped the victim girl with the motive of solemnizing marriage and thereafter, having forcibly put vermilion on the head of the victim girl as also having confined her in a room for ten days, apart from having engaged in committing misdeeds with her, hence, the main culprit is the petitioner no. 1 and as far as the petitioner no. 2 is concerned, he might have aided the petitioner no. 1, but he has got no direct involvement in the alleged crime.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioners and taking into account the materials available on record as also in the case diary, this Court finds that the main



accused in the present case is the petitioner no. 1, who is stated to have not only kidnapped the victim girl, but had also kept her confined in a room for ten days, apart from having engaged in committing misdeeds with her, hence, I am not inclined to grant bail to the petitioner no. 1, thus, the present petition qua the petitioner no. 1 stands dismissed.

7. As far as the petitioner no. 2 is concerned, this Court finds that minuscule evidence is available qua him in the case diary and at best, he can be stated to have aided the petitioner no. 1, but he has not been alleged to have committed any misdeed with the victim girl, apart from the fact that he is having a clean antecedent and is languishing in custody since 2.1.2024, hence, I deem it fit and proper to admit the petitioner no. 2 to the privilege of bail.

8. Accordingly, the above named petitioner no. 2 is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-14th (East), Muzaffarpur, in connection with Bochahan P.S.Case No. 279 of 2022.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

