

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20022 of 2024

Arising Out of PS. Case No.-83 Year-2023 Thana- CHORAUT District- Sitamarhi

- 1. Shankar Das S/o Musai Das R/o vill - Choraut, P.S. - Choraut, Distt. - Sitamarhi
- 2. Ragini Devi W/o Shankar Das R/o vill - Choraut, P.S. - Choraut, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 16667 of 2024

Arising Out of PS. Case No.-83 Year-2023 Thana- CHORAUT District- Sitamarhi

- 1. Musai Das Son Of Late Ram Chandra Das Resident Of Village - Choraut, P.S. - Choraut, District - Sitamarhi
- 2. Siteviya Devi Wife Of Musai Das Resident Of Village - Choraut, P.S. - Choraut, District - Sitamarhi

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 20022 of 2024)
For the Petitioner/s : Mr.Dinesh Jha, Adv
For the Opposite Party/s : Mr.Pawan Kumar Chaurasia, APP
(In CRIMINAL MISCELLANEOUS No. 16667 of 2024)
For the Petitioner/s : Mr.Dinesh Jha, Adv
For the Opposite Party/s : Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 12-07-2024 Heard learned counsel for the petitioners and learned
A.P.P for the State.

2. The petitioners apprehend their arrest in connection
with Choraut P.S.Case No. 83 of 2023 dated 08.06.2023
instituted for the offence punishable under Sections 363,
366A/34 of the Indian Penal Code and Section 8 of the POSCO



Act.

3. The prosecution case, in short, is that the minor daughter of the informant was kidnapped by the petitioners and other named accused persons when she had gone to pluck the flowers.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that petitioner no. 1 and 2 of Cr. Misc. No. 20022 of 2024 are husband and wife. Petitioner Shankar Das is elder brother of Laxmi Das. Petitioner no 1 and 2 of Cr. Misc. No. 16667 of 2024 are the parents of Laxmi Das. It is further submitted that according to the FIR, Laxmi Das (younger brother of petitioner no. 1), mother, Shankar Das (Petitioner no. 1) and wife of Shankar Das were all making the informant's daughter sit a four wheeler. The said information was disclosed by one Nanadu Sah but the Investigating Officer did not record the statement of said Nandu Sah under Section 161 of the Cr.P.C. Only on the basis of suspicion, the petitioners have been made accused in the present case. Learned counsel for the petitioners submitted that petitioners are living in Kathmandu (Nepal) for last five years where they earn their livelihood by running a shop. They have no concern with the affairs of Laxmi



Das. There was lover affair between the daughter of the informant and Laxmi Das. On the alleged dated of occurrence, the co-accused Laxmi Das left his house saying that he is going to Delhi to earn his livelihood. Since then victim girl and Laxmi Das are traceless. It is also submitted that the FIR has been lodged after four day of occurrence without giving any explanation by the informant for delay. The petitioners have no criminal antecedent.

5. Learned A.P.P for the State has opposed the prayer for bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of the learned counsel for the parties, in the event of arrest/ surrender of the petitioners within a period of six weeks from today, in connection with Choraut P.S.Case No. 83 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge-VI cum Special Judge POCSO, Sitmarahi or appropriate Court Below, subject to condition as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

N.K/-

(Khatim Reza, J)



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