

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27058 of 2024

Arising Out of PS. Case No.-1132 Year-2019 Thana- NAWADA District- Nawada

1. Ranjit Kumar @ Ranjit @ Sanjo, Son of Radhey Rajbanshi, Resident of village -Pachohiya PS -Nawada District -Nawada
2. Siya Devi @ Shibu Devi Wife of Shiv Kumar Ram @ Shiv Kumar Rajbanshi @ Siya Rajbanshi, Resident of village -Pachohiya PS -Nawada District -Nawada
3. Shiv Kumar Ram @ Shiv Kumar Rajbanshi @ Siya Rajbanshi, Son of Bardvani Rajbanshi, Resident of village -Pachohiya PS -Nawada District -Nawada

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Adv.
For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 21-06-2024 Heard Mr. Sheo Kumar Prasad, learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Nawada P.S. Case No. 1132 of 2019 registered for the offences punishable under Sections 366A/34 of the Indian Penal Code.

3. Based upon a written report, the prosecution case alleges that on 20.09.2019 at about 4-5 PM, all the FIR named accused persons kidnapped the daughter of the informant for illicit purpose. The name of the petitioners transpired in the statement of the victim recorded under Section 164 CrPC with



the allegation of facilitating co-accused Manish Kumar in the crime in question.

4. Learned counsel for the petitioners submitted that apart from the delay in lodging of the FIR, as the occurrence took place on 20.09.2019 and the FIR was instituted on 25.09.2019, the petitioners were not named in the FIR, but, subsequently, when the statement of the victim was recorded the name of the petitioners have been disclosed as associates of co-accused Manish Kumar. It is further contended that the victim has not supported the prosecution case during the course of trial; where she has been categorically stated that she voluntarily left her house and solemnized marriage with co-accused Manish Kumar and started residing with him and his family members in Gujarat. The victim also deposed that she blessed with a baby boy. Moreover, in the Trial Court, the victim has not disclosed the name of the petitioners as an accused or anyhow they participated in the crime. Considering the aforesaid facts, other co-accused persons have been allowed the privilege of anticipatory bail, the copy of which has been marked as Annexure-4 series. The deposition of the victim has also been placed on record as Annexure-3. It is lastly contended that since the petitioners were not aware with regard to the institution of the FIR, thus, the delay has occurred in



approaching the Court.

5. On the other hand, learned counsel for the State opposed the bail application and submitted that the victim has appeared to be gained over by the co-accused persons. Moreover, at the time of alleged occurrence, the victim was minor.

6. Regard being had to the submissions made on behalf of the parties and considering the deposition of the victim, wherein she has not made any allegation against the petitioners, coupled with the submission of the petitioners based upon parity and the fact that the petitioners bear fair antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI, Nawada in connection with Nawada P.S. Case No. 1132 of 2019, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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