

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37491 of 2024

Arising Out of PS. Case No.-29 Year-2024 Thana- UDAKISHUNGANJ District- Madhepura

1. Mahabir Prasad Son of Krishna Vill Bahiya Sat, Niya Sar, P.S. Pallu, District Hanumangarh, Rajasthan
2. Sharwan Kumar Son of Om Prakash Siyah R/O Ward No.8, Dallu Sar, Tola - Sar, P.S.- Bhanipura, Dist- Churu, Rajasthan
3. Binod Kumar Son of Sishu Pal Sahay R/O Ward No. 8, Tola- Sar, P.S.- Khuiya, Dist- Hanumangarh, Rajasthan
4. Vijay Singh S/O Rahi Tara Resident At- Sardar Sahar, P.S.- Bhanipur, Dist- Churu, Rajasthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. In the present case, the petitioners seek bail in connection with Udakishunganj P.S. Case No. 29 of 2024 registered on 28.01.2024 for the alleged offences under Sections 366 and 370/34 of the Indian Penal Code.

3. As per prosecution case, the informant was kidnapped by four accused persons in a four wheeler and she was forcibly married to a person. Subsequently, the informant was rescued by the police and all the four petitioners were



apprehended by the police. Later on, the informant came to know that she was sold to the four persons by the co-accused Dilip Paswan and Rama Shankar.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The police investigated the matter and submitted a charge sheet exonerating the petitioners from the offence under Section 366 of I.P.C. finding no material against them. The informant has sworn an affidavit wherein she has stated that the co-accused persons concealed the identity of the informant and after creating false identity of the informant told the petitioners that she was their relative and negotiated her marriage with petitioner no.1, Mahabir Prasad. Learned counsel further submits that the allegation is that the informant was taken on a four wheeler but during the relevant period, the GPS data of four wheeler shows that it was stationary at one place though the allegation is that the petitioners were present in the vehicle and kidnapped the informant, the same gets falsified. In these circumstances, no offence under Section 370 of the I.P.C. is made out against the petitioners. The petitioners are in custody since 29.01.2024 and charge sheet has been submitted. Petitioners are having no criminal antecedent.



5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP further submits that the informant has supported the case in her reinstatement recorded by the police.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the possibility of false implication in the background of the affidavit sworn by the informant and further considering period of custody of the petitioners and submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M-I, Udakishunganj, Madhepura/concerned Court in connection with Udakishunganj P.S. Case No. 29 of 2024, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the 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.
- (iii) In case of absence on three consecutive



dates or in violation of the terms of the bail,
the bail bonds of the petitioners will be liable
to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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