

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38553 of 2024

Arising Out of PS. Case No.-876 Year-2023 Thana- MAJHAULIA District- West Champaran

Rupesh Kumar Son of Shivjee Prasad Resident of Village - Khadda Pokhara
Tola, P.S.- Nautan, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Advocate

For the Opposite Party/s : Mr.Nityanand, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-06-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Majhaulia P.S. Case No. 876 of 2023, registered on 07.10.2023 for the offences under Sections 363, 366/34 of the Indian Penal Code.

3. As per prosecution case, the daughter-in-law of the informant went missing and the informant named the petitioner along with other co-accused persons who enticed away his daughter-in-law.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case and the FIR has been lodged after delay of 16 days for which there is no explanation. The daughter-in-law of the



informant went away on her own and it is a case of desertion. Learned counsel further submits that the victim lady recorded her statement under Sections 161 and 164 Cr.P.C. wherein she has said she left her house on her own and no one kidnapped her. The victim lady has filed a complaint case before the learned CJM on 02.04.2024 vide Complaint Case No. 1529 of 2024 under Sections 498A, 420, 406, 323/34 of the Indian Penal Code against her husband and other in-laws mentioning ill-treatment by the informant and his family and also making allegation against her brother-in-law who has ill intention towards the victim lady. All these facts show that the petitioner himself is a victim of the scheme of the informant. The petitioner is a person of clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim lady absolving the petitioner from any wrong doing and further considering the clean antecedent of the petitioner and the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from



today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran/concerned court in connection with Majhaulia P.S. Case No. 876 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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