

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40237 of 2024

Arising Out of PS. Case No.-261 Year-2023 Thana- PHULPARAS District- Madhubani

1. Ramesh Roy @ Ramesh Rai Son of Late Asharfi Roy Resident of Village -Dharmwon, P.S.- Ladaniya, District -Madhubani.
2. Jyoti Devi Wife of Ramesh Roy @ Ramesh Rai Resident of Village -Dharmwon, P.S.- Ladaniya, District -Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Rai Son of Late Laxmi Rai Resident of Village -Balabakhar,P.O.- Gehuma Bairiya, P.S.- Phulparas, District -Madhubani.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 18-09-2024 Heard learned counsel appearing on behalf of the

petitioners and learned APP appearing on behalf of the

State.

2. The petitioners seeks bail in connection with

Phulparas P.S. Case No. 261 of 2023 registered for the

offences under Sections 363 and 366 of the IPC

3. Both petitioners are named in the F.I.R. and are

in custody since 21.11.2023.

4. The allegation against both the petitioners is to

kidnap the minor daughter of the informant alongwith other



unknown co-accused persons for the purpose of illicit intercourse/marriage.

5. Learned counsel appearing on behalf of the petitioners submitted that victim after recovery nothing said through her statement as recorded under Section 161 and also under Section 164 of the Cr.P.C., which may suggest any overt act on the part of petitioners, who are none but wife and husband. It is submitted that merely on the basis of suspicion being distant relative of co-accused Ram Kishun Thakur petitioners were implicated with present case. It is submitted that victim solemnized marriage with co-accused Rajkumar @ Raju, who has already granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 26518 of 2024 vide order dated 27.08.2024 and as such on the ground of parity these petitioners also deserves bail. While concluding the argument it is submitted that investigation has already completed, for which, charge-sheet has submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State,



opposes the prayer for bail.

7. In view of aforesaid facts and circumstances as mentioned above and by taking note of fact as thrust of allegation is available against co-accused Rajkumar @ Raju, where implication of above named petitioners prima facie appears being distant relative of the co-accused Rajkumar @ Raju, coupled with the fact as petitioners are in custody since 21.11.2023, where charge-sheet has already submitted, accordingly, both petitioners, above named, are directed to be released on bail in connection with Phulparas P.S. Case No. 261 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VII-cum Special Judge (POCSO), Madhubani/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C./Section 480(3) of the BNSS.

(Chandra Shekhar Jha, J.)

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