

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44726 of 2024

Arising Out of PS. Case No.-317 Year-2023 Thana- KALYANPUR District- Samastipur

1. Navin Rai @ Navin Ray son of Saryug Rai Village- Chhakantoli Ps- Kalyanpur Dist- Samastipur
2. Suresh Rai son of Late Bulan Rai Village- Chhakantoli Ps- Kalyanpur Dist- Samastipur
3. Anu Devi @ Anuradha Devi wife of Abdhesh Rai Village- Chhakantoli Ps- Kalyanpur Dist- Samastipur
4. Saryug Rai son of Bulan Rai Village- Chhakantoli Ps- Kalyanpur Dist- Samastipur
5. Tuntun Rai son of Suresh Rai Village- Chhakantoli Ps- Kalyanpur Dist- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jaya Devi son of Suresh Rai Village- Chhakantoli Ps- Kalyanpur Dist- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinay Kumar Mishra, Adv.
For the Opposite Party/s : Mr. Sadanand Paswan, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 26-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Kalyanpur P.S. Case No. 317 of 2023 registered under Sections 341, 323, 354, 504, 363, 366-A, 34 of the Indian Penal Code, Section 3/4 of the POCSO Act and Sections 3(1)(r) and 3(i)(s) of SC/ST Act.

3. As per prosecution case, on 25.10.2023 at 05:00 a.m.,



daughter of informant aged about 17 years, went to attend a call of nature, but she did not return. On search, informant came to know that co-accused Suman Kumar and one unknown person kidnapped her daughter. It is further alleged that when informant went to the family of co-accused Suman Kumar, these petitioners along with other accused persons abused, assaulted and threatened informant.

4. Learned counsel appearing on behalf of the petitioners submits that specific accusation of kidnapping the minor daughter of informant is against co-accused Suman Kumar. The victim in her statement recorded under Section 164 Cr.P.C. has stated that she solemnized marriage with co-accused Suman Kumar on her own sweet will and both of them are living happily as husband and wife. Petitioners have been falsely implicated in this case merely because they are family members of co-accused Suman Kumar.

5. Learned A.P.P. appearing on behalf of the State opposed the bail application.

6. Having considered the statement of victim recorded under Section 164 Cr.P.C. and other circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned court below within a



period of eight weeks from today, on furnishing bail-bonds of Rs. 10,000 (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Court (POCSO), Samastipur in connection with Kalyanpur P.S. Case No. 317 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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