

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49063 of 2024

Arising Out of PS. Case No.-9 Year-2024 Thana- MEHSI District- East Champaran

1. Awadhesh Ram S/O Ramesh Ram R/O Village- Jamala, P.S- Muffasiil, Motihari, Distt.- East Champaran.
2. Umarawati Devi W/O Ramesh Ram R/O Village- Jamala, P.S- Muffasiil, Motihari, Distt.- East Champaran.
3. Ajay Ram @ Ajay Kumar S/O Ramesh Ram R/O Village- Jamala, P.S- Muffasiil, Motihari, Distt.- East Champaran.
4. Ramesh Ram S/O Bindeshwar Ram R/O Village- Jamala, P.S- Muffasiil, Motihari, Distt.- East Champaran.
5. Naresh Ram S/O Ramesh Ram R/O Village- Jamala, P.S- Muffasiil, Motihari, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Balgovind Sharma, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 26-10-2024 Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Mehshi P.S. Case No. 9 of 2024, dated 12.01.2024 registered for the offences punishable under Sections 365, 366 and 120B of the Indian Penal Code.

3. As per the allegation, the wife of the informant has been abducted by the petitioners and other co-accused.



4. Ld. counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the FIR was lodged by first husband of the alleged victim only on the basis of suspicion when she left her maternal home without information of the husband. Later on, the alleged victim has appeared and given statement under Section 164 Cr.PC. She has deposed that her parents were planning to marriage forcefully with someone else. She was already in talk with one Upendra Tatwa and hence, she fled away and get married with Upendra Tatwa. She is also blessed with one six months child out of the wedlock with Upendra Tatwa.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender



before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Chief Judicial Magistrate, East Champaran, Motihari, in connection with Mehsi P.S. Case No. 09 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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