

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51076 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- BANIAPUR District- Saran

1. MAMTA DEVI WIFE OF PRAMESHWAR MISHRA @ PARMESHWAR MISHRA R/O-GOPALPUR, P.S.-BANIYAPUR, DISTT.-SARAN (CHAPRA)
2. PRAMESHWAR MISHRA @ PARMESHWAR MISHRA SON OF LATE SHIVJEE MISHRA R/O-GOPALPUR, P.S.-BANIYAPUR, DISTT.-SARAN (CHAPRA)
3. RAJA MISHRA @ RAJA RAM MISHRA SON OF LATE SHIVJEE MISHRA R/O-GOPALPUR, P.S.-BANIYAPUR, DISTT.-SARAN (CHAPRA)
4. KUNDAN MISHRA @ KUNDAN KUMAR MISHRA SON OF PRAMESHWAR MISHRA @ PARMESHWAR MISHRA R/O-GOPALPUR, P.S.-BANIYAPUR, DISTT.-SARAN (CHAPRA)

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 53133 of 2023

Arising Out of PS. Case No.-110 Year-2023 Thana- BANIAPUR District- Saran

CHANDAN MISHRA @ CHANDAN KUMAR MISHRA SON OF PRAMESHWAR MISHRA @ PARMESHWAR MISHRA RESIDENT OF VILLAGE - GOPALPUR, POLICE STATION - BANIYAPUR, DISTRICT - SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR THE STATE OF BIHAR PATNA BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 51076 of 2023)

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala

(In CRIMINAL MISCELLANEOUS No. 53133 of 2023)

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Shyam Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER



4 20-02-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Baniyapur P.S. Case No. 110 of 2023 dated 25.03.2023 registered for the offence/s punishable u/ss 365 and 366A read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioners and the co-accused persons are alleged to have kidnapped the minor daughter of the informant when she went to her school.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. As per medical examination, the doctor has assessed the age of the victim as 22 years and there is no evidence which suggests the commission of sexual assault at the time of the alleged occurrence. There was nothing on record showing that the victim was forced to have illicit relationship with another person. There is love affair between the petitioner, Chandan Mishra and the victim. The victim in her statement recorded under section 164 of the Cr.P.C. she has stated that she went with the petitioner Chandan Mishra of her own will and no one kidnapped her. The petitioners have no criminal antecedent as stated at para 3 of the bail petition.



5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned court concerned, Chapra, Saran in connection with Baniyapur P.S. Case No. 110 of 2023, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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