

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71207 of 2023**

Arising Out of PS. Case No.-280 Year-2022 Thana- BIRPUR District- Supaul

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1. BAMBAM KUMAR @ BAMBAM KUMAR DAS Son of Nirdhan Das R/o ward no.3, Ramai, P.S. -Forbesganj, Distt. - Araria
  2. Mantu Das Son of Parmanand Das R/o ward no 6, Bochabhag, Khairkhan, P.S. - Forbesganj, Distt. - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Gita Devi Wife of Vijay Das R/o Tulsipatti, ward no. 13, P.S. - Balua Bazar, Distt. - Supaul

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rakesh Kumar Sharma  
For the Opposite Party/s : Mr.Ajay Kumar Jha

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 4      19-03-2024      1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Birpur (Balua Bazar) Police Station Case No. 280 of 2022, dated 23.08.2022, disclosing offences punishable under Sections 363/366-A/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that on 21.08.2022, at about 04:30 PM, both the petitioners came at the informant's house, told her daughter-in-law that her brother has met with an accident and is admitted in a hospital. On that information, the



daughter-in-law of the informant went with the petitioners along with a sum of Rs. 20,000/-, but when the informant inquired about daughter-in-law and her brother by calling in Purnea Hospital, then she came to know that her daughter-in-law did not reach Purnea Hospital. The petitioners have kidnapped the daughter-in-law of the informant.

4. Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case with oblique motive. The petitioner no. 1 was having love relationship with the daughter-in-law of the informant prior to her marriage. The victim had gone with the petitioner no. 1 on her own free will, but in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973, she has stated that she was administered sedative along with the Prasad, and was taken to Purnea. This statement was tutored and was not given by the victim out of her own free will, which would be evident from the second First Information Report lodged against the same petitioners by the brother of the victim and another 164 statement of the victim was recorded, in which she has categorically stated that the petitioners



have not kidnapped her and she was having love relationship with the petitioner no. 1 prior to her marriage. She has also stated, in her second statement under Section 164 of the Code of Criminal Procedure, 1973, that she has solemnized marriage with the petitioner no. 1 at Purnea.

5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the statement of the victim girl, recorded under Section 164 of the Code of Criminal Procedure, 1973, in connection with the second First Information Report lodged against the same petitioner by the informant's brother, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Birpur, Supaul, in connection with Birpur (Balua Bazaar) Police Station Case No. 280 of 2022,



subject to the condition laid down under Section 438 (2)  
of the Code of Criminal Procedure.

**(Anil Kumar Sinha, J.)**

Prabhakar Anand/-

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