

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85748 of 2023

Arising Out of PS. Case No.-137 Year-2021 Thana- CHHAURADANO District- East
Champaran

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1. Awnish Kumar @ Anish Kumar, Son of Dinesh Rai Resident of Village - Banjari, P.O.- Purushottampur, P.S.- Chhauradano, District - East Champaran, Motihari, Bihar-845302.
 2. Dinesh Rai, Son of Birendra Rai, Resident of Village - Banjari, P.O.- Purushottampur, P.S.- Chhauradano, District - East Champaran, Motihari, Bihar-845302.
 3. Birendra Rai, Son of Late Rajinand Rai, Resident of Village - Banjari, P.O.- Purushottampur, P.S.- Chhauradano, District - East Champaran, Motihari, Bihar-845302.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akshay Ashish, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In this present case, the petitioners are apprehending their arrest in connection with Chhauradano P.S. Case No. 137 of 2021, registered on 10.06.2021 for the offences under Sections 366(A)/34 of the Indian Penal Code.

3. As per prosecution case, the daughter of the informant eloped with co-accused Rahul Kumar and the petitioners are the brother, father and grandfather of co-accused Rahul Kumar, respectively.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. From the recital of FIR, it is clear that no allegation has been levelled against the petitioners for their involvement in this case. Even the victim girl recorded her statement under Section 164 Cr.P.C. wherein she has not named the petitioners for their involvement. The victim girl has stated that she went with co-accused Rahul Kumar and solemnized marriage with him and has been living with him and she is happy with her marriage. Without rhyme and reason, the petitioners have been made accused in this case. Co-accused Rahul Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 10.01.2024 passed in Cr. Misc. No. 77825 of 2023. Petitioners are having clean antecedent.

5. Learned APP appearing on behalf of the State concedes that there appears non-specific nature of allegation against the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation and also considering the strong possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court



concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty thousand Only) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st, East Champaran, Motihari/concerned court in connection with Chhauradano P.S. Case No. 137 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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