

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83073 of 2023

Arising Out of PS. Case No.-432 Year-2023 Thana- BOCHAHAN District- Muzaffarpur

1. Kabutri Devi Wife of Sakal Roy R/o Village- Vishunpur Damodar, P.S.-
Bochhan, District- Muzaffarpur
2. Sakal Roy Son of Vishundayal Roy R/o Village- Vishunpur Damodar, P.S.-
Bochhan, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr.Pradeep Narain Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Bochahan P.S. Case No. 432 of 2023, registered on 08.08.2023 for the offences under Sections 363, 366A/34 of the Indian Penal Code.

3. As per prosecution case, the informant gave a written report for kidnapping of his minor daughter by the petitioners and other co-accused persons.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. From the FIR it is apparent that the petitioners have been made accused in this case merely on suspicion and the



petitioners have no intention or motive as is also apparent from the FIR. The petitioners are wife and husband and old aged persons of more than sixty years of age. The petitioners and informant are also neighbour and the allegations are not believable. The victim girl has been recovered and she did not make any allegation either against the petitioners or against other co-accused persons. Rather she stated that she left her house on her own and went to the place of her aunt. The petitioners are having clean antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl recorded under Section 164 Cr.P.C. before the learned Judicial Magistrate absolving the petitioners from any wrong doing and further considering completely vague nature of allegation against the petitioners, 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.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned



Judicial Magistrate, Ist Class (East), Muzaffarpur/concerned court in connection with Bochahan P.S. Case No. 432 of 2023, subject to the condition 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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