

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3354 of 2024

Arising Out of PS. Case No.-586 Year-2022 Thana- MAHUA District- Vaishali

1. Gunjan Devi wife of Devendra Ray @ Devendra Nath Yadav, Resident of Village -Sharma, P.S.-Mahua, Dist.-Vaishali.
2. Dharmendra Ray @ Dharmendra Kumar, Son of Late Lal Dev Ray, Resident of Village -Sharma, P.S.-Mahua, Dist.-Vaishali.
3. Gyan Prakash Son of Devendra Ray @ Devendra Nath Yadav, Resident of Village -Sharma, P.S.-Mahua, Dist.-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2024 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 Mahua P.S. Case No. 586 of 2022, registered on 12.09.2022 for the offences under Sections 363, 366A/34 of the Indian Penal Code.

3. As per prosecution case, co-accused Surya Prakash, who used to give tuition to the minor daughter of the informant, enticed her away and they fled away with ornaments worth Rs.Three lakhs and cash of Rs.25,000/- from the house of the informant. After enquiry, the informant came to know about



involvement of the petitioners in taking away of his minor daughter.

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 specific allegation is against co-accused Surya Prakash and the nature of allegation against the petitioners is not believable that the petitioners, who are mother, brother and uncle of co-accused Surya Prakash helped him in kidnapping the minor daughter of the informant. Moreover, the informant is not an eye witness to the alleged act of the petitioners. The statement of the victim-girl was recorded under Section 164 Cr.P.C. wherein she has stated that she went on her own to Patna and started living in a rented premises. She has not made any allegation against the petitioners. The petitioners have got no criminal antecedent except petitioner no. 3, who has got antecedent of one case and he was granted bail by the learned court below in the said case.

5. Learned APP opposes the submission made on behalf of the petitioners. However, he concedes that the victim-girl has not stated about involvement of the petitioners in her statement recorded under Section 164 Cr.P.C.

6. Having regard to the facts and circumstances



and submissions made on behalf of the parties and considering the improbability of allegation against the petitioners and 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.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur/concerned court in connection with Mahua P.S. Case No. 586 of 2022, 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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