

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3129 of 2024

Arising Out of PS. Case No.-385 Year-2023 Thana- SAKRA District- Muzaffarpur

1. Shiv Shankar Kumar son of Bharat Lal Sah Village- Mehshi Ps- Sakra Dist- Muzaffarpur
2. Subodh Kumar son of Kamal Sah Village- Mehshi Ps- Sakra Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Adv.
For the Opposite Party/s : Mr. Shaheen Begum, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Sakra P.S. Case No. 385 of 2023 dated 10.08.2023, instituted for the offence punishable under Sections 363, 365 and 368 of the Indian Penal Code.

3. As per the prosecution case, the petitioners abducted the brother of the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. Only on the basis of statement recorded under Section 164 of Cr.P.C., the petitioners have been made accused in this



case. It is submitted that another co-accused, namely, Awadesh Kumar has been granted bail by a co-ordinate Bench of this Court *vide* Order dated 31.01.2024 passed in Criminal Miscellaneous No. 2697 of 2024. The present case has been lodged after delay of five days without any satisfactory explanation. It is also submitted that sister of Awadesh Kumar was raped by the brother of the informant and thereafter the marriage of sister of Awadesh Kumar was solemnized with the brother of the informant. The dispute arose in the marriage and this false case has been lodged. Lastly, it has been submitted that they have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioners submitting that the victim has recorded his statement under Section 164 Cr.P.C., wherein he has stated that he was abducted with intention of his forced marriage.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners in connection with Sakra P.S. Case No. 385 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-12, East Muzaffarpur,



subject to condition as laid down under Section 438(2) of the
Cr.P.C..

(Khatim Reza, J)

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