

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16511 of 2025

Arising Out of PS. Case No.-36 Year-2024 Thana- ADAPUR District- East Champaran

1. Bindu Devi W/O - Rambhu Paswan @ Rambhu Hajara R/o vill - Sirsya Khurd, P.S.- Adapur, Distt.- East Champaran
2. Rambhu Hajara @ Rambhu Paswan S/o Bhikhari Hajara R/o vill - Sirsya Khurd, P.S.- Adapur, Distt.- East Champaran
3. Rajkishor Kumar S/o Rambhu Paswan R/o vill - Sirsya Khurd, P.S.- Adapur, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Advocate
For the Opposite Party/s : Mr.Arun Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 06-03-2025 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Adapur PS case no. 36 of 2024 dated 02.02.2024, disclosing offences punishable under Sections 363, 366 of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that on 28.01.2024, in the night, the informant's daughter went to attend the nature's call but she did not return. It has been alleged that she has been kidnapped by the F.I.R. named accused persons.



4. Learned Counsel for the petitioners submits that petitioners are not named in the F.I.R. and they have been made accused on the basis of statement of the victim girl recorded under Section 164 Cr.P.C. The petitioners are the co-villagers of the F.I.R. named accused persons and hence they are falsely implicated in the present case. Learned counsel further submits that there was love relationship between co-accused Rajnandan and the victim girl and only general and omnibus allegation has been made against the petitioners in the statement of the victim girl recorded under Section 164 Cr.P.C. He also submits that the victim girl has solemnized marriage with the co-accused Rajnandan on her own free will. Lastly, it is submitted that similarly situated co-accused person has been granted anticipatory bail by this Court vide order dated 07.01.2025, passed in Cr. Misc. No. 84244 of 2024.

5. On the other hand, learned counsel for the State argued that as per the statement of the victim girl, her marriage was solemnized with Rajnandan on the point of knife and she was pressurized to make statement on the Facebook regarding the marriage.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that



petitioners are not the family members of the F.I.R. named accused persons, marriage of the victim girl was solemnized with the co-accused Rajnandan and the allegation against the petitioners is general and omnibus in nature and similarly situated co-accused has been granted anticipatory bail, I am inclined to grant the privilege of anticipatory bail to the petitioners.

7. This application is, accordingly, allowed.

8. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within six weeks, 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 Sub-Divisional Judicial Magistrate, Motihari, East Champaran in connection with Adapur PS case no. 36 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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