

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31097 of 2025

Arising Out of PS. Case No.-123 Year-2023 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Vickky Das S/O Late Shambhu Das R/O Village- Bahadur Pur, P.S- Kundwa Chain Pur, District- East Champaran.
 2. Girija Devi W/O Late Shambhu Das R/O Village- Bahadur Pur, P.S- Kundwa Chain Pur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Adv.

For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL ORDER

3 20-08-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Kundwa Chain Pur P.S. Case No. 123 of 2023 registered for the offences punishable under Sections 363 and 365 of the Indian Penal Code.

3. Allegedly, the grandson of the informant aged about 24 years was taken by the petitioners for work at Motihari on the promise to return back after completion of work. It is further alleged that the grandson of the informant did not return despite assurance by the petitioners, leading to the institution of the FIR.



4. Learned Advocate for the petitioners submitted that admittedly the grandson of the informant was taken away by the petitioners in the morning of 30.06.2023 and the present FIR came to be instituted after a delay of 24 days on 24.07.2023 with such allegation. During the course of investigation, the statement of the witnesses were recorded, especially in paragraphs-18, 19, 32 and 41, they have categorically stated that both petitioner no.1 and the grandson of the informant had gone to Gujarat for their livelihood, but on account of some dispute between them, the grandson of the informant left the place and thereafter he called his family members and also asked for some money, which was also sent through PhonePe. Despite the request made by the family members to return the village, the grandson of the informant replied on the mobile that he will not come as all the family members are taunting due to his unemployment. Some of the family members were also went to Gujarat for his search, in the meanwhile, on 03.07.2023, the grandson of the informant had made a call on the mobile of his wife and asked for some amount; whereupon they were also sent some amount.

5. Referring to the materials collected during the course of investigation, learned Advocate for the petitioners contended that, in fact, the grandson of the informant has been



residing somewhere at Gujarat and did not return to his village but on suspicion, the name of the petitioners have been implicated in this case. Moreover, the petitioners are the persons of absolutely fair antecedent and they undertake that they will fully cooperate in the investigation and the proceeding of the Court.

6. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that there is specific allegation against the petitioners of taking away the grandson of the informant, coupled with the materials collected during the course of investigation as also the fact that till date the boy is traceless.

7. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the delay in lodging of the FIR, coupled with the materials collected during the course of investigation, as noted hereinabove, as well as the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.1st Class,



Sikrahana at Dhaka, East Champaran in connection with Kundwa Chain Pur P.S. Case No. 123 of 2023, subject to the condition as laid down under Section 482(2) of the BNSS, with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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