

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34473 of 2025

Arising Out of PS. Case No.-181 Year-2024 Thana- KUNDWACHAINPUR District- East
Champaran

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1. Harichandra Rai @ Thaga Rai Son of Late Maharaj Rai Resident of village and Ps- Kundwa Chainpur, Dist- East Champaran.
 2. Rupkali Devi Wife of Harichandra Rai @ Thaga Rai Resident of village and Ps- Kundwa Chainpur, Dist- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

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

2. The petitioners are apprehending their arrest in connection with Kundwa Chainpur P.S. Case No. 181/2024 registered for the offences punishable under Sections 137(2), 96, 3 (5) of the B.N.S.

3. As per prosecution case, there is allegation against co-accused Vikash Kumar who is said to have taken away the informant's daughter at gun point. The informant came to the house of the petitioners and enquired about his daughter from them and the petitioners replied that co-accused has kidnapped the victim with intention to marry and when the same



was protested, the said co-accused took out pistol from his house and pointed out on the informant and threatened to kill him.

4. Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR. Petitioners bear no criminal antecedent. The petitioners are father and mother of co-accused Vikash Kumar. He further submits that prudently and pragmatically, the petitioners have been falsely implicated in the present case just because they are father and mother of co-accused, basically, they have no role to play so far as whole prosecution story is concerned. The petitioners are co-villagers of the informant and there is delay of four days in lodging the FIR as occurrence took place on 07.11.2024 and FIR lodged on 11.11.2024 and no plausible explanation has been given regarding the said delay, though, the distance of *Thana* is only half kilometers from the place of occurrence. He further submits that the informant's daughter has left her house with sweet will with co-accused and the present case was lodged only to make pressure upon the petitioners. He further submits that the petitioners are co-operating the informant in searching of the victim girl and their son Vikash Kumar (co-accused) and the victim are traceless as mentioned in para 11 of the bail petition. Being parents of co-



accused, the petitioners have no role to commit any occurrence as alleged in the FIR. It is beyond any stretch of imagination that neither father nor mother can assist his or her son to take away the victim for marriage purpose. The victim is not recovered till today. He orally submits that the petitioners shall not abscond rather shall cooperate in the investigation to prove their innocence.

5. The learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioners and submits that the victim is not recovered and the petitioners cannot be escaped from the liability of the allegation made in the FIR.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioners, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Sakarhana at Dhaka, East Champaran in connection with Kundwa Chainpur P.S. Case No. 181/2024,



subject to the conditions as laid down under Section 482(2) of the B.N.S.

7. The application stands allowed.

8. However, it is made clear that if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner despite giving assurance to this Court are not co-operating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bonds of the petitioners.

(Alok Kumar Pandey, J)

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