

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46234 of 2024

Arising Out of PS. Case No.-806 Year-2023 Thana- KHAGARIA District- Khagaria

1. Rekha Devi W/O Naresh Sah @ Naresh Prasad Sah R/O Village Soraidih, P.S. Muffasil(KGG), Distt-Khagaria
2. Bittu Kumar S/O Naresh Sah @ Naresh Prasad Sah R/O Village Soraidih, P.S. Muffasil(KGG), Distt-Khagaria
3. Roushan Kumar S/O Naresh Sah @ Naresh Prasad Sah R/O Village Soraidih, P.S. Muffasil(KGG), Distt-Khagaria
4. Goutam Kumar S/O Mithilesh Sah @ Mithlesh Sah R/O Village Dhusmuri Bishanpur, P.S.-Khagaria (Muffasil), Distt-Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

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

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

8 24-03-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Khagaria (Muffasil P.S. Case No. 806 of 2023 corresponding to G.R. No. 2666/2023 instituted for the offence punishable under Section 366(A) of the Indian Penal Code.

3. As per allegation in the FIR, minor daughter of the informant went for grass cutting but she did not return till evening. During hectic search made by the informant and her



family members, she came to know that she was being kidnapped by accused persons, namely, Bittu Kumar (petitioner no. 2) and his relative Gautam Kumar (petitioner no. 4) by motorcycle. It is further submitted that this Rekha Devi, petitioner no. 1 had taken the contact number of minor daughter XXXX in a marriage function of Bittu Sah, and she used to talk with her as well as she also used to make talk my daughter XXXX with accused petitioner no. 4, Gautam Kumar. Informant suspects the hands of all the petitioners in alluring and kidnapping her minor daughter XXXX. It is further alleged that, when the informant went to the house of the petitioner no. 1 for query, she misbehaved with her. On her mobile, several calls of threatening from different mobile numbers, to face dire consequences if she informed the matter to anywhere else, have come.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have been falsely implicated in this case due to dirty village politics. There is case and counter between the parties. A *panchayati* was held between the accused persons and the informant of the present case, in which certain documents and video clip were shown. In a video clip, victim girl accepted that she herself fled



away with Gautam Kumar as her parents want to marry her with an old person. She also stated in the clip that all the FIR named four accused persons are innocent and they have not played any role in kidnapping her.

5. Learned APP appearing for the State has opposed the prayer of bail. A counter affidavit has been filed on behalf of State in which it is stated that in para nos. 4 of the case diary, informant in her re-statement has supported the FIR version and witnesses at para nos. 5, 10 and 11 have also supported the prosecution story and stated that petitioners had kidnapped the victim girl in connivance with each other by inducing her with intention to marry. Abducted minor victim girl has not been recovered till date.

6. Having heard learned counsel for the parties and keeping in view that petitioner no. 1, Rekha Devi, is a lady, this Court is inclined to enlarge her on bail. The petitioner no. 1 is directed to surrender in the Court below within a period of four weeks from today and in the event of her arrest or surrender in connection with Khagaria (Muffasil) P.S. Case no. 806 of 2023, she will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria



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

7. So far as, rest of the petitioners are concerned, there are specific allegation of kidnapping against them in FIR as well as in the case diary and also investigation of the case is still going on, this court is not inclined to enlarge the petitioner nos. 2, 3 and 4 on anticipatory bail. Their prayer for grant of bail stands rejected.

Accordingly, this application stands disposed off.

(S. B. Pd. Singh, J)

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