

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52334 of 2025

Arising Out of PS. Case No.-152 Year-2024 Thana- MURLIGANJ District- Madhepura

1. Budhani Devi W/O Late Sikendra Ram @ Bhupendra Ram R/o - Nemua, Panchayat Anantpura @ Anandpura, barahi, Ward No.09, P.S - Udakishunganj, District - Madhepura
2. Sunita Devi W/O late Harilal Ram R/O Vill.- Pratap Nagar, Rajni, Ward no. 1, P.S.- Murliganj, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr Sanjay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 21-08-2025 Heard Mr. Dr. Sanjay Kumar Singh, learned counsel
for the petitioners and Mr. Dr. Kumar Uday Pratap, learned
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Murliganj P.S. Case No. 152 of 2024, F.I.R. dated 10.04.2024 for the offences punishable under Sections 366(A) and 34 of the Indian Penal Code.

3. According to prosecution case, it is alleged therein that Nirranjan Kumar used to frequently visit the house of his relative, Sunita Devi (petitioner no. 2). It has further been alleged that on 06.04.2024 at about 05:00 P.M., the daughter of the informant had gone to a nearby shop for purchasing some



articles, but even after half of an hour she did not return home. On making search, the informant came to know that Niranjana Kumar had enticed and taken away her minor daughter. It is also alleged that apart from him, the following persons were also involved in the said occurrence: (1) Deepak Kumar, (2) Budhani Devi (petitioner no. 1), (3) Vikram Kumar, (4) Sunita Devi (petitioner no. 2).

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent. The allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offence as alleged in the F.I.R. and the petitioners have been made accused merely on the basis of suspicion and except the suspicion, no other cogent material has come during investigation against the petitioners to suggest the involvement of the petitioners in the present occurrence, apart from that it appears from the F.I.R. that date of occurrence as alleged in the F.I.R. is 06.04.2024 but the present F.I.R. is instituted on 10.04.2024 after delay of four days afterthought only to falsely implicate the petitioners, apart from that statement recorded under Section 164 of the Cr.P.C./183 of the B.N.S.S. on 07.03.2025 in which she has stated that she had performed the marriage with Niranjana Kumar.



5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent, there is no specific allegation against the petitioners in the F.I.R., F.I.R. is instituted after delay of four days and the statement recorded under Section 164 of the Cr.P.C./183 of the B.N.S.S. in which she has not stated anything about the petitioners, let the petitioners, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 the learned Judicial Magistrate-1st Class, Madhepura in connection with Murliganj P.S. Case No. 152 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure /Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and



on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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