

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71729 of 2024

Arising Out of PS. Case No.-154 Year-2024 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. Sandeep Thakur @ Sandeep Kumar Son of Udhir Thakur R/o Mohalla- B370- Pandav Nagar, Patel Nagar, S.O. Central Delhi- 110008.
 2. Deepa Kumari Wife of Sandeep Thakur @ Sandeep Kumar, D/o Late Ranjeet Jha R/o Mohalla- Shubhankarpur, Raja Ramdhani Mandir, P.S.- Town, Dist.- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Madhumala Kumari, Advocate
For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-05-2025 Heard Ms. Madhumala Kumari, learned counsel

for the petitioners and Mr. Murli Dhar, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with L.N.M.U P.S. Case No. 154 of 2024, F.I.R. dated 02.06.2024 for the offences punishable under Sections 363, 366A/34 of the Indian Penal Code.

3. According to prosecution case, the co-accused Shivam Kumar along with other accused persons including these petitioners have kidnapped the minor daughter of the informant by enticing her.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. She further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioners have not committed any offences as alleged in the F.I.R. In fact, the petitioners are brother-in-law and sister-in-law of the co-accused persons, namely, Shivam Kumar and Shubham Kumar. She further submits that the only allegation against these petitioners is that they have supported the co-accused persons. She further submits that no injury was found on the victim in her medical examination. She further submits that the co-accused, namely, Shivam Kumar has been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 16.04.2025 passed in Cr. Misc. No. 2025 of 2025 and another co-accused, namely, Shubham Kumar has also been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 16.04.2025 passed in Cr. Misc. No. 2006 of 2025.

5. Learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners and submits that the statement of the victim was recorded under Section 164 of the Cr.P.C. / Section 183 of the BNSS in which she has categorically stated that the co-accused persons along



with these petitioners have assaulted her in the residence of these petitioners in Delhi. Apart from that the date of birth of the victim is recorded in the case diary which suggest that the victim was minor at the time of occurrence but th medical report of the victim suggest that she was major at the time of her medical examination.

6. Considering the aforesaid facts and circumstances that the petitioners have clean antecedent, co-accused persons against whom there is allegation of assault have been granted anticipatory bail by a Co-ordinate Bench of this Court and no injury was found on the victim in her medical examination, let the petitioners, above named, in the event of 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, Darbhanga in connection with L.N.M.U P.S. Case No. 154 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 tampers 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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