

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4691 of 2025

Arising Out of PS. Case No.-132 Year-2024 Thana- DARPA District- East Champaran

1. Jitendra Yadav @ Jitendra Kumar Son of Lakhandeo Rai Village -Bhatnahiya Ps -Darpa District- East Champaran
2. Rita Devi Wife of Ranjit Yadav Village -Bhatnahiya Ps -Darpa District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 28-04-2025 Heard Mr. Rajesh Kumar, learned counsel for the
petitioners and Mr. Zainul Abedin, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Darpa P.S. Case No. 132 of 2024, F.I.R. dated 17.09.2024 registered for the offences punishable under Sections 137(2), 96, 3(5) of B.N.S.

3. The prosecution case, in brief, is that co-accused Subodh Kumar enticed the daughter of the informant aged about 17 years and taken her away with him and when the informant came to know he went to the house of Subodh Kumar where his family members including the petitioner abused him and assaulted the informant. It is further alleged that the informant's



daughter has taken away some cash and ornaments and some documents.

4. Learned counsel for the petitioners submits that the petitioner no. 1 carries one more case other than the present one and petitioner no. 2 having clean antecedent and they have been falsely implicated in the present case. He further submits that 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 from perusal of the F.I.R. it transpires that the daughter of the informant has escaped with co-accused Subodh Kumar and the petitioners are family members of co-accused Subodh Kumar and as per allegation in the F.I.R. when the informant came to the house of co-accused Subodh Kumar, the petitioners and others abused the assaulted the informant. He further submits that from perusal of the F.I.R. it transpired that the main allegation is against co-accused Subodh Kumar who has kidnapped the daughter of the informant and the petitioners are family members of co-accused person namely Subodh Kumar and the said co-accused Subodh Kumar has been granted the privilege of anticipatory bail vide order dated 05.02.2025 in Cr. Misc. No. 2062 of 2025 by a Coordinate Bench of this Court.



5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts that co-accused Subodh Kumar against whom there is specific allegation in the F.I.R. has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court, let the petitioners, above named, in the event of their 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/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned S.D.J.M. Raxaul at Motihari, East Champaran in connection with Darpa P.S. Case No. 132 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) 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 bonds shall be cancelled by the Court below.



(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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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