

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43007 of 2015

Arising Out of PS.Case No. -9 Year- 2015 Thana -KESARIA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Mithu Rai
 2. Naresh Rai
 - Both are sons of Prasad Rai
 3. Prasad Rai Son of Nathuni Rai
 4. Abhimanyu Rai Son of Joytik Rai
 5. Babunti Devi Wife of Kanaihaya Rai
 6. Sabunti Devi Wife of Rambhu Rai
 7. Chhotelal Rai Son of Nathuni Rai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Shankar Shrivastava, Advocate
For the Opposite Party/s : Mr. Smt. Anita Kumari (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 14-10-2015 Heard learned counsels for the petitioners and the

State.

The petitioners are apprehending arrest in a case
registered for the offences punishable under Sections
363/366A/34 of the Indian Penal Code.

Accusation is of kidnapping the minor daughter of the
informant.

It is submitted by learned counsel for the petitioners
that the victim went traceless on 09.01.2015, but the FIR was
registered on 18.01.2015. Learned counsel for the petitioners
further submits that in 164 Cr.P.C. statement the victim has got

her age recorded as 20 years when the court has assessed her age as 18 years. In 164 Cr.P.C. statement the victim has stated that she was not kidnapped rather she of her own went in the company of petitioner no.1 Mithu Rai and has performed marriage as she was in love with him from before. Petitioner nos. 2 to 7 are the family members and relations of petitioner no.1. Moreover, a statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the 164 Cr.P.C. statement of the victim, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Sadar Motihari, East Champaran in connection with Kesariya P.S. Case No.9 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Ashwini/-

(Dinesh Kumar Singh, J)

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