

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45103 of 2015

Arising Out of PS.Case No. -102 Year- 2015 Thana -PIRPAINTI District- BHAGALPUR

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1. Ghoghan Mandal, Son of late Rupan Mandal,
2. Indu Devi, Wife of Ghoghan Mandal Both the above named
accused/petitioners are resident of Village- Kamat Tola, Police Station-
Pirpainty, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prabhu Narayan Sharma

For the Opposite Party/s : Mr. Shantanu Kumar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 16-10-2015

Heard learned counsels for the petitioners and the State.

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

The accusation is of kidnapping the minor daughter of the informant.

It is submitted by the learned senior counsel for the petitioners that the victim's 164 Cr.P.C. statement was recorded on 27.8.2015 where she got her age recorded as 20 years and the court also assessed as such where she stated that since she was in love with one Pushpa Ranjan since 2013 and the parents wanted to marry her somewhere else when she went with Pushpa Ranjan to



Chandigarh, performed marriage with him and now she is carrying pregnancy of five months. The present FIR was registered on 14.4.2015 for the occurrence of 10.4.2015 though the same informant Shiv Kumar Sharma lodged Pirpainti P.S. Case No. 86 of 2014 levelling accusation under sections 341,323,379,366A and 504/34 IPC to the effect that his daughter has been kidnapped on 23.3.2015 though the FIR was registered on 27.4.2015. In the said case the victim's 164 Cr.P.C. statement was recorded where she alleged that she was being kidnapped by accused Awadhesh Mandal, Pappu Mandal, Sarpanch Vikas Mandal but she was being released by Pushpa Ranjan. The petitioners have not been named by the victim in 164 Cr.P.C. statement in the earlier case also and consequently they were granted bail in the said case. It is further submitted that the petitioners are not accused in any other case except these two cases where the accusation has been levelled of kidnapping of the same daughter of the informant twice. Certified copy of the 164 Cr.P.C. statement of the victim recorded in present case has been produced before this court. Let the same be kept on record.

It is submitted by learned counsel for the informant that the accusation against the petitioners is specific.

Considering the 164 Cr.P.C. statement of the victim which clouds the bonafide of the accusation, 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 twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Bhagalpur in connection with Pirpainty P.S. Case No.102 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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