

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47359 of 2014

Arising Out of PS.Case No. -256 Year- 2011 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Manoj Kumar Jha @ Manoj Jha son of Chandra Mohan Jha Resident of
Village - Sukhi Semra, Police Station - Palanwa, District - East Champaran
(Motihari).

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. Surendra Prasad Singh (App)

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR

MANDAL

ORAL ORDER

5 24-06-2015 This Court required case diary of the case for

appreciating the submission of the petitioner. Mr. Singh produced

a communication dated 27.5.2015 sent through fax to the

Superintendent of Police, East Champaran at Motihari for

submission of case diary. Unfortunately, the case diary has not

been produced

Heard the Counsel for the petitioner and Mr. Surendra
Prasad Singh, APP for the State.

The petitioner along with 10 others have been named

accused in Case registered under Sections 364(A), 366, 366(A)

and 120B of the Indian Penal Code Turkaulia (Banjaria) P.S. case

256 of 2011. Be it noted that earlier to this, a complaint was



lodged on 30.5.2011 which was later treated as F.I.R. on 10.6.2011. The allegation is that 13 years old daughter of the informant was forcibly kidnapped by her brother-in-law and other associates including the petitioner for the purpose of forceful marriage with her brother-in-law. The Police, upon conclusion of investigation and recording of the statement of the victim girl both under 161 and 164 Cr.P.C., submitted a final report wherein criminal action was recommended against the informant for lodging false case. The learned Magistrate, however, differing with the report has taken cognizance. Hence the apprehension.

Counsel for the petitioner submits that the elder daughter of the informant was married to co-accused Lakhendra but the informant was not ready to allow his wife to go home inasmuch as all the jewellery were captured by him. A panchayati was also held for this purpose. With a concocted allegation, the F.I.R. was subsequently lodged. It has also been submitted that the victim girl made contradictory statement before the Police under Section 161 Cr.P.C..

Unfortunately, the case diary is not before the Court to verify the same.

Considering the facts and circumstances of the case, I am inclined to privilege the petitioner with anticipatory bail.

In the event of arrest or surrender in the Court below within four weeks, the petitioner abovenamed is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari (East Champaran) in Turkaulia (Banjaria) P.S. Case No. 256 of 2011 subject to the condition as laid down under Section 438(2) of the Cr.P.C. with the further following conditions:

(i) One of the bailers shall be the own/close family members of the petitioner.

(ii) In case of framing of charge, the petitioner shall appear in person on each and every date fixed in the Court below. In case of default in doing so on two consecutive occasions without any cogent/satisfactory reason, the Trial Court shall have liberty to cancel the bail bond of the petitioner and secure his arrest in accordance with law.

Pankaj/-

(Kishore Kumar Mandal, J)

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