

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.16097 of 2015

Arising Out of PS.Case No. -13 Year- 2015 Thana -MAHILA P.S. District- SIWAN

1. Subodh Ram son Mahesh Ram, resident of village Balia Indrajeet, Police Station Bochahan District Muzaffarpur.
2. Pawan Chauhan son of late Bhisham Chauhan resident of village Khurmabad, Police Station Siwan Muffasil, District Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.16938 of 2015

Arising Out of PS.Case No. -13 Year- 2015 Thana -MAHILA P.S. District- SIWAN

1. Bablu Kumar S/o Shri Harikishore Patharkar Resident of village - Bijurati Hata, P.S. Muffasil, District - Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

with

Criminal Miscellaneous No.21182 of 2015

Arising Out of PS.Case No. -13 Year- 2015 Thana -MAHILA P.S. District- SIWAN

1. Bhim Kumar Son of Rama Kant Bhagat, Resident of Village- Chhotaki Babhnauli, P.S.- Mairwa, District- Siwan

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

(In Cr.Misc. No.16097 of 2015)

For the Petitioner/s : Mr. Sanjay Kumar Singh

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

(In Cr.Misc. No.16938 of 2015)

For the Petitioner/s : Mr. Yashraj Bardhan

For the Opposite Party/s : Mr. Jagdhar Pd.(App)

(In Cr.Misc. No.21182 of 2015)

For the Petitioner/s : Mr. Raghav Prasad

For the Opposite Party/s : Mr. Binod Kumar 3 (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 26-08-2015 Above noted applications have arisen out of same occurrence, i.e. Siwan Mahila Police Station Case No. 13/2015 registered for the offences punishable under Section 366 (A) of I.P.C. and 6/8 of the Protection of Children from Sexual Offences Act, 2012, as such they have been heard together and are being disposed of by the common order.

Heard learned counsel of the petitioners, learned A.P.P. for the State along with the learned counsel for the informant.

The petitioners are languishing in custody since 31.1.2015 in a case registered for the offences punishable under Sections 366 (A) of Indian Penal Code and 6/8 of Protection of Children from Sexual Offences Act, 2012.

The prosecution case lodged by the informant, father of Pinki Kumari, aged about 14 years, is that when she has gone to natural call at about 8.30 P.M., at that time Bhim Kumar and Babloo Kumar, accused persons have kidnapped his daughter for the purpose of marriage.

It has been submitted by learned counsel for the petitioners that in the statement recorded under Section 164 of the Cr. P. C. the daughter of the informant has not alleged any offence to be made out under the Children From Sexual Offences Act, 2012, although, she has stated that the petitioners were taking her away in the motorcycle.

It is further submitted that the petitioners have no

criminal antecedent.

Learned counsel for the informant submits that it seems that due to police intervention while the informant’s daughter was being taken away, she was recovered in time.

Under such facts and circumstances, let the petitioners, named, 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 learned Court of Special Judge (POSCO), Siwan / learned Chief Judicial Magistrate, Siwan in connection with Siwan Mahila P. S. Case No. 13/2015.

However, it is made clear that all these petitioners are directed to appear before the learned Court below on each and every date. If any one of them does not appear before the Court below on the date, so fixed, then the learned Court below would cancel the bail bonds of the said petitioners.

(Nilu Agrawal, J)

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