

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52950 of 2015

Arising out of PS. Case No. -341 Year- 2015 Thana -BARACHATTI District- GAYA

- =====
1. Ajay Chaudhary S/o Late Suresh Chaudhary
 2. Mangri Devi W/o Late Suresh Chaudhary Both resident of Village-
Laadu, P.S.- Mohanpur, District- Gaya

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. S.B.K. Manglam, Advocate

Ms. Anita Kumari, Advocate

For the Opposite Party/s : Ms. Veena Kunari Jaiswal (APP)

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 15-12-2015

Heard the parties.

The petitioners apprehend their arrest in connection with Barachatti (Mohanpur) P.S. Case No. 341 of 2015 for the offences punishable under Sections 366(A)/34 of the Indian Penal Code.

The petitioners along with one other have been charged with abduction of the daughter of the informant and of subjecting her to physical assault.

Mr. S.B.K. Manglam, learned counsel for the petitioners with reference to the FIR submits that the two petitioners happen to be the brother and the mother respectively of the third accused Hemant Kumar who has been charged with having relationship with the daughter of the informant. He submits that the petitioners are charged with conspiracy although there is no such allegation found in the statement of the

victim girl recorded under Section 164 of the Code of Criminal Procedure present at Annexure-2 in which the victim girl has accepted that she accompanied the said Hemant Kumar who kept her in captivity for 15-20 days and also had physical relationship. In reference to the said statement it is submitted that at no stage has the victim girl referred to the role of either of the two petitioners who have been merely roped in because they happen to be the brother and the mother of the said Hemant Kumar.

Having heard learned counsel for the parties and considering the nature of allegation in the F.I.R. as well as the statement of the victim girl, let the petitioners, namely, (1) Ajay Chaudhary; and (2) Mangri Devi in the event of their arrest or surrender within four weeks from today be released on bail upon each of them furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, Sherghati, Gaya and/or the court concerned in connection with Barachatti (Mohanpur) P.S. Case No. 341 of 2015 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Jyoti Saran, J)

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