

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38427 of 2015

Arising Out of PS.Case No. -517 Year- 2014 Thana -TURKAULIYA District-
EASTCHAMPARAN(MOTIHARI)

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1. Kena Thakur Son of Shamaldeo Thakur,
2. Pappu Thakur, Son of Kena Thakur,
3. Sunaina devi, Wife of Kena Thakur,
4. Rupesh Thakur, Son of Kena Thakur, All residents of village -
Rohiniya, P.S. - Banjariya, District - East Champaran.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Umesh Chandra Verma, Advocate.

For the Opposite Party : Ms. Indu Kumari Srivastava(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 06-11-2015 Heard both sides.

The petitioners apprehend their arrest in registered for the offences punishable under Sections 366, 406, 498, 120(B) and 34 of the Indian Penal Code.

The informant alleged that on 30.07.2014, his villager Pappu Thakur, Kena Thakur, Sunaina Devi and Rupesh Thakur kidnapped his wife Rubi Devi. Birendra Thakur, Chote Lal Thakur and Lal Bahadur Thakur saw them taking his wife. His wife took ornaments worth Rs. 1,50,000/- and cash Rs. 25,000/-.

Learned counsel for the petitioners submits that the informant is cousin brother of Pappu Thakur. Petitioner nos. 1 and 3 are mother and father of petitioner nos. 2 and 4. The victim filed



a petition on 18.09.2014, before the Janta Darbar of the Superintendent of Police, Motihari, East Champaran alleging therein that her husband brutally assaulted her due to non-fulfillment of demand of dowry. She went to the house of Pappu Thakur for Panchayat, but she stayed there. Her husband filed a case against Pappu Thakur and his family members. It is further submitted that the victim made her statement under Section 164 of the Cr.P.C. on 19.09.2014 and she disclosed that Pappu Thakur, Rupesh Thakur, Sunaina Devi and Kena Thakur enticed her and took her to place from train and Pappu Thakur committed rape with her. She further disclosed that Pappu Thakur, Rupesh Thakur and Kena Thakur all the three committed rape with her.

It appears that the petitioner nos. 2 and 4 are own brother and petitioner no. 1 is the father of petitioner nos. 2 and 4 and petitioner no. 3 is mother. On the face, it appears that the victim gave statement after duly tutored by her husband as one day earlier she gave altogether a different statement on 18.09.2014 that her husband and other family members assaulted her and drove her out from the house.

Considering the facts aforesaid, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of

receipt/production of a copy of this order, are directed to be enlarged 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 the learned Chief Judicial Magistrate, Motihari, East Champaran in Turkauliya (Banjariya) P.S. Case No. 517 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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