

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33173 of 2014

Arising Out of PS.Case No. -41 Year- 2014 Thana -VIJAYPUR District- GOPALGANJ

1. Mansoor Ansari @ Alim Son of Late Somin Ansari Resident of Village
- Mathauli Tola Usrapar, P.S. - Bhore, District - Gopalganj (Bihar)
.... Petitioner

Versus

1. The State of Bihar
.... Opposite Party

with

Criminal Miscellaneous No.48792 of 2014

Arising Out of PS.Case No. -41 Year- 2014 Thana -VIJAYPUR District- GOPALGANJ

1. Sanju Kumari Daughter of Nand Kumar Sah Resident of village -
Bangra Bazar (Manjhariya, Police Station - Vujayipur, District -
Gopalganj
.... Petitioner

Versus

1. The State of Bihar
.... Opposite Party

Appearance :

(In Cr.Misc. No.33173 of 2014)

For the Petitioner : Mr. Sanjya Kumar Chaubey

For the Opposite Party : Mr. Uday Pratap Singh (App)

(In Cr.Misc. No.48792 of 2014)

For the Petitioner : Mr. Binod Kumar Sinha

For the Opposite Party : Mr. S. Eheteshmuddin (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 22-01-2015 Petitioners are languishing in custody since
12.03.2014, 14.08.2014 in a case registered for the offences
punishable under Sections 363, 372 of the I.P.C.

It is alleged that minor daughter of the
informant went traceless on 07.03.2014. Subsequently the
informant came to know that she was being taken by petitioner
Sanju Kumari. The victim in her 164 Cr.P.C statement stated
that initially Sanju Kumari, maternal aunt of the victim
abducted her and thereafter these petitioners joined her.

Subsequently they snatched Rs. 1800/- of the victim and forced the victim to sit in a train. Thereafter petitioners escaped from the scene on the excuse of bringing train ticket.

It is submitted by learned counsel for the petitioners that the victim in her 164 Cr.P.C statement has claimed herself aged about fifteen years and the Court also assessed as such, but medical opinion assessed her aged between 16-17 years. The victim in her statement has not alleged establishment of any forceful physical relationship. The statement of the victim girl rather suggests that she of her own went in the company of the co-accused and returned of her own.

It is submitted on behalf of petitioners that accusation appears unreasonable as petitioner Sanju Kumari is the own maternal aunt of the victim.

A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the aforesaid facts, let the petitioners, above 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 Chief Judicial Magistrate/Judicial Magistrate, 1st Class, Gopalganj in connection with Vijaipur P.S. Case No. 41 of 2014.

(Dinesh Kumar Singh, J)

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