

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.52809 of 2015

Arising Out of PS.Case No. -130 Year- 2014 Thana -BHAPATIYAH District- SUPAUL

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1. Lakhia Devi @ Lakhiya Devi, Wife of Jaleshwar Sharma
 2. Sushila Devi @ Soshil Devi Wife of Badri Sharma.
 3. Lakhan Sharma, Son of Late Sanichar Sharma.
 4. Santosh Sharma, Son of Lakhan Sharma. All are residents of village-Pipra Khurd, P.S. Bhaptiahi, District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar null null
2. null null null

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Murari Narain Choudhary
Mr. Vijay Kumar
Mr. Mohit Srivastava, Advocate
For the State : Mr. Parmanand Kumar (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-01-2016 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

In pursuance to the order dated 18.12.2015, the victim girl, Pallavi Kumari has appeared before me and states that her statement recorded under Section 164 of the Cr. P. C. dated 24.11.2014 was under coercion and her subsequent deposition dated 31.08.2015 is correct and now she is living happily with her husband Mahanand Sharma against whom the allegation was made by her. In the statement under Section 164 of Cr.P.C. the age of the victim girl has been noted as 14 years whereas in her deposition dated 31.08.2015 her age has been written as 19 years. This deposition on 31.08.2015 was nearly 9 months after her statement made under Section 164 of the Cr.P.C. However, her

deposition dated 31.08.2015 appears to be correct as per the statement made by the said Pallavi Kumari before me.

The petitioners apprehend their arrest in connection with Bhaptiahi P. S. Case No. 130/2014 (POCSO Case No. 09/2015) registered for offences punishable under Sections 366 (A)/34 of the Indian Penal Code as well as under Section 4 of the Prevention of Children from Sexual Offence, 2012.

The allegation is that the daughter of the informant, aged about 13 years, namely, Pallavi Kumari had gone to the house of the accused persons (neighbors) on the occasion of Chhath Puja but she did not return and after search it was revealed that Mahanand Sharma kidnapped his daughter with the help of his mother Lakhiya Devi and father Jaleshwar Sharma.

It has been stated by the learned counsel for the petitioners that petitioner No.1 Lakhia Devi @ Lakhiya Devi is mother of co-accused Mahanand Sharma, petitioner No. 2 Sushila Devi @ Soshil Devi is Bhabhi of accused Mahanand Sharma and petitioner No. 3 and petitioner No. 4 are villagers respectively.

It has been submitted by the learned counsel for the petitioners that now the victim girl Pallavi Kumari is living with her family in her Sasural and statement to that effect has been made by Pallavi Kumari before me.

It has been submitted by the learned counsel for the petitioner, Shri Murari Narain Choudhary that the accused

Mahanand Sharma who is before me along with the said Pallavi Kumari, is now the husband of the victim girl Pallavi Kumari and has also been acquitted in trial, although, the order has not been brought before me.

Be that as it may, since the victim girl Plallavi Kumari is living with the main accused Mahanand Sharma with full dignity and honour, the above named petitioners in case of their arrest or surrender within a period of six weeks from today, before the Court below, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge, Supaul in POCSO Case No. 09 of 2015 arising out of Bhaptiahi P.S.Case No. 130 of 2014, subject to the conditions as laid down under section 438 (2) of the Code of Criminal Procedure.

Sudha/-

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(Nilu Agrawal, J)