

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10292 of 2016

Arising Out of PS.Case No. -76 Year- 2015 Thana -JADOPUR District- GOPALGANJ

- =====
1. Satendra Manjhi son of Rekha Manjhi
 2. Sunaina Devi wife of Satendra Manjhi
 3. Rajkali Devi wife of Rekha Manjhi
 4. Prabhawati Devi wife of Mandeo Manjhi
- All resident of Village - Hariharpur, P.S. - Jadopur, District - Gopalganj.

.... Petitioners

Versus

1. The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ghulam Rabbani
For the Opposite Party/s : Mr. Rajesh Kumar (App)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-05-2016 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection
with Jadopur P. S. Case No. 76 of 2015 for offences alleged
under Sections 366A, 504 and 506/34 of the Indian Penal Code.

The prosecution case as lodged by the informant is
that on 07.09.2015 at 8.00 p.m., the niece of the informant
namely, Gunjan Kumari aged 14 years had gone to attend the
call of nature towards the field but she did not return. During
search, it came to be known that the petitioners along with co-
accused persons abducted the victim girl Gunjan Kumari for the
purpose of marriage.



It has been submitted by the learned counsel for the petitioners that they are innocent and the main allegation is upon Sonu Manjhi and Bablu Manjhi as stated by the victim girl under Section 164 Cr.P.C. before the Magistrate. He further submits that the prosecution version and the statement of the victim girl under Section 164 Cr. P.C. have different versions of the place of occurrence from where the victim girl was kidnapped. He further submits that no case under Section 366A is made out against these petitioners and that the petitioners have no criminal antecedent as is evident from para-3 of this application. He further submits that co-accused Bablu Manjhi was having a love affair with the victim girl and an affidavit has made by the victim girl that she had married with co-accused Bablu Manjhi. He further submits that during investigation, no independent witnesses have supported the prosecution.

However, the learned APP for the State submits that the petitioners are named in the F.I.R. and the statement of the mother and father of the victim girl has been taken who have supported the prosecution, hence, opposes the prayer for bail.

Be that as it may, since there are contradictory versions in F.I.R. and statement under Section 164 and the allegations are upon the co-accused Bablu Manjhi and Sonu

Manjhi for committing the said offence, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of eight weeks from today, 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 the learned Judicial Magistrate, 1st Class, Gopalganj in connection with Jadopur P.S. Case No. 76 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Nilu Agrawal, J)

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