

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23805 of 2016

Arising Out of PS.Case No. -40 Year- 2016 Thana -BALIA District- BEGUSARAI

- =====
1. Budhu Prasad @ Shiv Kumar Mehta S/o Goku Mehta
 2. Lalita Devi @ Bimala Devi W/o Budhu Prasad @ Shiv Kumar
- Resident of Village Maheshpur PS Saur Bazar , District Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar

For the Opposite Party/s : Mr. Satyaverat Verma (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 26-05-2016

Heard learned counsels for the petitioners

and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 366A/34 of the Indian Penal Code.

The prosecution case is of abducting the minor daughter of the informant.

It is submitted by learned counsel for the petitioners that in 164 Cr.P.C. statement the victim has got her age recorded as 19 years when the court has assessed as 15 years



where she has stated that she of her own left the house, went to her maternal grand mother's house and thereafter went in the company of Anand Abhisek to Delhi where he established physical relationship with her but has not performed marriage and she wanted to go with Anand Abhisek. The first 164 Cr.P.C. statement of the victim was recorded on 18th March, 2016, thereafter on 19th of March, 2016 another 164 Cr.P.C. statement of the victim was recorded where she has stated that under pressure she stated that she wants to go with Anand Abhisek but now she wants to go with her parents. It is further submitted that in both the 164 Cr.P.C. statement the victim has not named these petitioners but they have been simply implicated since they happen to be parents of Anand Abhisek.

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

Considering the 164 Cr.P.C. statement of the victim wherein she has not named these petitioners, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial

Magistrate, Begusarai in connection with Ballia P.S. Case No. 40 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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