

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.47438 of 2016

Arising Out of PS.Case No. -982 Year- 2015 Thana -SITAMARHI District- SITAMARHI

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1. Shobha Devi wife of Bhagwan Sah
2. Kishan Kumar @ Banti son of Bhagwan Sah
3. Aman Kumar son of Bhagwan Sah
4. Rajan Kumar son of Bhagwan Sah
All R/o Court Bazar, Sitamarhi Ward No.12, P.S. & District- Sitamarhi.
..... Petitioners

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Sri Nand Kumar

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 14-12-2016 Heard learned counsel for the petitioners and learned counsel representing the State.

Petitioners apprehend their arrest in connection with Sitamarhi P.S. Case No. 982 of 2015 registered for the offences punishable under Sections 363, 366A, 379/34 of the Indian Penal Code.

Allegedly, the petitioners kidnapped the daughter of the informant aged about 16 years and during investigation the victim girl was recovered and her statement has been recorded under Section 164 Cr.P.C. wherein she has stated her age as 20 years and the learned Magistrate has recorded her age as 18 years and she has specifically stated that she was not kidnapped and she went out of her own sweet will and performed marriage with Rajan



Kumar.

Submission is of false implication and that it is not a case of kidnapping rather the victim girl being major one has gone with petitioner no. 4 out of her own sweet will and consent and both performed marriage. The victim girl is residing in the house of the petitioners and as such the petitioners deserve sympathetic consideration.

Learned APP fairly submits that the victim girl in her statement recorded under Section 164 Cr.P.C. has not supported the prosecution version.

In the facts and circumstances stated above, the petitioners above named, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order, shall be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 982 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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