

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46511 of 2016

Arising Out of PS.Case No. -347 Year- 2014 Thana -ROSERA District- SAMASTIPUR

- =====
1. CHHOTI KUMAR @ CHHOTU KUMAR @ CHHOTE KUMAR Son
of Late Naresh Das Resident of Village-Hirmiya, P.S.-Rosera, District-
Samastipur
2. Ram Adhar Das S/o Ukkan Das R/o Village-Punma Dharmpur, P.S.-
Hathauri, District-Samastipur

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brajesh Kumar, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 30-11-2016 Heard both sides.

The petitioners apprehend their arrest in Rosera P.S.
Case No. 347/2014, registered for the offences punishable under
Sections 366A and 34 of the Indian Penal Code.

The informant alleged that Chhoti Kumar @ Chhotu
Kumar petitioner no. 1, his mother Ram Pyari Devi and Ranju
Devi kidnapped her minor daughter. They assured the informant to
return her daughter, but her daughter is still traceless.

Learned counsel for the petitioners submits that Chhoti
Kumar (petitioner no. 1) is alleged to have enticed the minor
daughter of the informant and took her to Gorakhpur in the house

of his brother-in-law Ram Adhar Das (petitioner no. 2). The victim made her statement and she only alleged that Ram Adhar Das also asked her to marry with Chhoti Kumar (petitioner no. 1), Ram Adhar Das (petitioner no. 2) did not pressurize her or assault her.

Considering the facts aforesaid and the fact that there is specific allegation against Chhoti Kumar @ Chhotu Kumar petitioner no. 1 that he enticed minor girl of the informant for the purpose of marriage and the victim girl also stated the same facts in her statement under Section 164 Cr.P.C., I am not inclined to enlarge the petitioner no. 1 on anticipatory bail. Accordingly, the same is rejected.

So far as the case of Ram Adhar Das petitioner no. 2 is concerned, he happens to be the brother-in-law of Chhoti Kumar who went to his house along with the victim girl, but the petitioner did not mis-behave in any manner with the victim girl and the victim also did not complain against him, but she only alleged that petitioner no. 2 was asking her to marry with petitioner no. 1 when she refused they assaulted him and brought her to Rosera from Gorakhpur.

Considering the facts aforesaid, the petitioner no. 2 Ram Adhar Das, in the event of his arrest or surrender before the court

below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Chief Judicial Magistrate, Rosera in connection with Rosera P.S. Case No. 347/2014, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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