

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26353 of 2016

Arising Out of PS.Case No. -388 Year- 2012 Thana -PURNEA SADAR District- PURNIA

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1. Amit Kumar Rai @ Amit Kumar, son of Gopal Rai
 2. Pappu Kumar, son of Bhola Mandal
 3. Roshan Kumar @ Roshan Kr. Bishwash, son of Anup Lal Mandal
- All residents of Village - Barsoni, P.S. - Dagarua, District - Purnia.

.... Petitioners

Versus

1. The State of Bihar.
2. Upendra Lal Bishwash son of Late Tikam Chand Bishwash Resident of village - Mahmadpur, P.S. - Dagarua, District - Purnia.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, A.P.P.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 11-07-2016 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 366 (A)/34 of the Indian Penal Code.

It is contended that as per allegation in the FIR, the petitioner no.1 has abducted sixteen years and six months old daughter of the informant with the help of other petitioners. The statement of the victim girl under Section 164 Cr.P.C. has been recorded in which she has disclosed her age to be 19 years whereas the court has assessed her age to be 18 years. She has clearly stated in her statement that she had willingly gone with the

petitioner no.1 and had married him and sexual relationship was established upon her consent and her father has lodged a false case upon her husband. She has also alleged that certain persons of the informant's side wants to kill them. She has expressed her willingness to live at her 'Sasural'. It is contended that thereafter final form was submitted by the police exonerating the petitioners but the cognizance has been taken by the court below.

Having regard to the facts and circumstances of the case, let the petitioners, namely, Amit Kumar Rai @ Amit Kumar, Pappu Kumar and Roshan Kumar @ Roshan Kr.Bishwash be released on bail in the event of their arrest/surrender before the court below within a period of six weeks from today in connection with Sadar (Dagarua) P.S. Case No.388/2012, on furnishing bail bonds of Rs.10,000 (Ten Thousand Rupees) each with two sureties of the like amount each to the satisfaction of Sub-Divisional Judicial Magistrate, Purnea subject to the conditions as laid down under sub-section (2) of Section 438 of the Code of Criminal Procedure.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

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