

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 45647 of 2016

Arising Out of PS.Case No. -260 Year- 2013 Thana -DUMRAON District- BUXAR

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1. Fulpato Devi W/o Dhanjee Gond, Resident of Village- Nathnuni Ke Bagh, P.S.- Dumraon, District- Buxar.
2. Asturni Devi @ Asturan Devi @ Soni Devi W/o Anil Kumar Gond Resident of Village- Majha Walia, P.S.- Buxar (Ind) Dist- Buxar.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bachan Jee Ojha

For the Opposite Party/s : Mr. Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4. 21-12-2016 Heard Sri Bachan Jee Ojha, learned counsel for petitioners and learned Addl. Public Prosecutor.

Two petitioners, apprehending their arrest in Dumraon P.S. Case No. 260 of 2013 registered for offence under Sections 366/34 of the Indian Penal Code, have prayed for grant of anticipatory bail.

By way of referring to F.I.R., it was submitted by learned counsel for petitioners that both the petitioners, who are mother and close relative respectively of one co-accused Surendra Gond, have been made accused only on suspicion. It was alleged in the F.I.R. that grand daughter of the informant was missing and doubt was raised against son of petitioner no. 1 as well as both the petitioners. During investigation, the statement of victim lady was got recorded under Section 164 of the Cr.P.C. and in the statement under Section 164 of the Cr.P.C., her age was noticed as 23 years



and she categorically stated that she had voluntarily solemnized marriage with Surendra Gond, son of petitioner no. 1. He further submits that after investigation, police submitted final report in favour of both the petitioners. Only one accused, Surendra Gond was forwarded as accused. However, the learned Magistrate, differing with the police report, has taken cognizance against the petitioners also.

In view of facts and circumstances, particularly the statement of the victim girl recorded under Section 164 of the Cr.P.C. as well as the fact that during statutory investigation, petitioners were not found accused, there is no reason to deny the prayer for grant of anticipatory bail.

Accordingly, in the event of arrest or surrender within a period of six weeks from today, let both the petitioners namely Fulpato Devi and Asturni Devi @ Asturan Devi @ Soni Devi be enlarged on bail on furnishing bail-bonds of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Buxar in connection with Dumraon P.S. Case No. 260 of 2013, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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