

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54301 of 2016

Arising Out of PS.Case No. -635 Year- 2016 Thana -SITAMARHI District- SITAMARHI

- =====
1. Sagar Devi, wife of Mahesh Prasad,
 2. Komal Kumari, Daughter of Mahesh Prasad, Both resident of Thana Road Bhawdepur, Ward No.22 P.S. & Dist- Sitamarhi.
- Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Javed Aslam

For the Opposite Party/s : Mr. Shantanu Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

2 23-12-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Sitamarhi P.S. Case no. 635 of 2016, registered under Sections 366, 366A of the Indian Penal Code.

The accusation is that on 02.10.2016, daughter of the informant, aged about 17 years had gone to temple for worshipping, but she did not return to the house. Thereafter, informant started searching of his daughter and went to the house of petitioner No.2 Komal Kumari, who is friend of his daughter, where father of petitioner No.2 told about missing of his son Rohit Kumar. Thereafter, informant raised suspicion about kidnapping of his daughter for the purpose of marriage by Rohit Kumar, son and brother of the petitioners.

Learned counsel for the petitioners submits that, in fact,



daughter of the informant moved with Rohit Kumar, son of petitioner No.1 according to her sweet will and she performed marriage in a temple with Rohit Kumar on 02.10.2016, but with ulterior motive the present case has been lodged. The victim, daughter of the informant, in her statement recorded under Section 164 Cr.P.C. has clearly stated about her moving with the Rohit Kumar and she also performed marriage with him in Sarweshwar Nath temple, Muzaffarpur. She disclosed her age as 19 years in the said statement recorded under Section 164 Cr.P.C. and Magistrate has also assessed her age as 18 years on 19.12.2016.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 635 of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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