

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23543 of 2016

Arising Out of PS.Case No. -35 Year- 2016 Thana -RAXAUL District-
EASTCHAMPARAN(MOTIHARI)

1. Sandip Kumar Gupta.

2. Pappu Kumar Gupta,

both sons of Late Ramchandra Gupta

3. Sona Devi, w/o Late Ramchandra Gupta

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramakant Yadav, Advocate

For the Opposite Party/s : Mr. Manish Kumar No.2 (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 25-05-2016 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 366A/120B of the Indian Penal Code.

Prosecution case is of abducting the minor daughter of the informant on 15.02.2016 by co-accused Nitesh Kumar when it is alleged against the petitioners that they facilitated the kidnapping.

It is submitted by learned counsel for the petitioners



that in 164 Cr.P.C. statement the victim got her age recorded as 14 years when the learned court below assessed her age as 15 years wherein she has stated that on 15.02.2016 she was being enticed by his neighbor Nitesh Kumar, who taken her to Motihari and kept on his mother's place for four days and thereafter for two days in a hotel and thereafter the brother and brother's wife of Nitesh Kumar kept them separately near Nepal station. The victim further stated that she was being dropped near Motihari police station. Lastly, she has stated that she is in love with Nitesh Kumar and wants to marry with him. Learned counsel for the petitioner further submits that the petitioners have been roped in the present case simply because they happen to be brothers and mother of co-accused Nitesh Kumar.

Considering 164 Cr.P.C. statement of the victim, which suggests the thrust of accusation against Nitesh Kumar, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Raxaul at Motihari, in connection with Raxaul (Haraiya O.P.) P.S. Case

No.35/2016, subject to the conditions as laid down under Section
438(2) Cr.P.C.

Ashwini/-

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(Dinesh Kumar Singh, J)