

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37796 of 2016

Arising Out of PS.Case No. -68 Year- 2016 Thana -SHASTRINAGAR District- PATNA

1. Dukhan Rai @ Dhukhan Rai, s/o late Nemchan Rai
2. Rukamini Devi @ Rukhmani Devi, w/o Dukhan Rai
Both are resident of village – Sherpur Pokhar, P.S. – Maner, District – Patna
At present R/o Mohalla – Shastri Nagar, Jhoparpatti, P.W.D. Maidan, P.s. –
Shastri Nagar, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar Shrivastava

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 16-09-2016 Heard Sri Binay Kumar Shrivastava, learned counsel
for the petitioners and learned Additional Public Prosecutor.

Two petitioners apprehending their arrest in Shastri
Nagar P.S. Case No. 68 of 2016 registered for the offence under
Section 363 , 366 / 34 of the Indian Penal Code, have prayed for
grant of bail in the event of their arrest or surrender.

By way of referring to the F.I.R. it was submitted by
learned counsel for the petitioners that informant had alleged in



the F.I.R. that son of the petitioners had allegedly kidnapped the daughter of the informant said to be minor aged about 16 years. However during investigation despite the fact that investigating officer tried to get the victim girl examined medically, victim as well as her parents refused for medical check up. According to learned counsel for the petitioners the victim had solemnized marriage with the son of the petitioners voluntarily in civil court and subsequently marriage was solemnized in temple also. He submits that this fact has been noticed by the learned Additional Sessions Judge while rejecting the prayer for bail. Learned counsel for the petitioners also submits that son of the petitioners who was named as accused has already been granted bail by this court by order dated 20/8/2016 passed in Cr. Misc. 35938 of 2016.

Learned Additional Public Prosecutor by way of referring to the facts disclosed in paragraph no. 37 of the case diary accepts that the parents as well as victim have refused for medical examination.

Considering the facts disclosed in the F.I.R. as well as the fact that victim was not medically examined despite approached by the investigating officer and submission made by learned counsel for the petitioners that she had solemnized

marriage voluntarily with the son of the petitioners and she was major, the court is of the opinion that it is a fit case for extending the privilege of anticipatory bail. Accordingly in the event of arrest or surrender within a period of six weeks from today, let both the petitioners Dukhan Rai @ Dhukhan Rai and Rukamini Devi @ Rukhmani Devi be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Smt. Aditi Gupta , Judicial Magistrate , Patna / concerned court in connection with Shastri Nagar P.S. Case No. 68 of 2016 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure.

(Rakesh Kumar, J)

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