

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16213 of 2017

Arising Out of PS.Case No. -9 Year- 2017 Thana -PASRAHA District- KHAGARIA

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1. Jagdish Yadav, Son of Narayan Yadav,
 2. Shila Devi, wife of Jagdish Yadav, Both resident of village- Piparpanti, P.S.- Pasraha, District- Khagaria.
 3. Nilam Devi, wife of Jito Yadav, Resident of village- Sadampur, P.S.- Balia, District- Begusarai.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Jai Kishor Poddar, Advocate.
For the Opposite Party/s : Mr. Binod Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 19-05-2017 Heard both sides.

The petitioners apprehend their arrest in Pasraha P.
S. Case No. 09 of 2017 registered for the offences under Sections
366A, 504, 506 and 34 of the Indian Penal Code.

The informant alleged that his minor daughter was missing since 24.01.2017. The informant came to know that Mithun Kumar was always talking with his daughter on telephone and his sister Nilam Devi was always calling his daughter for talk in her house. The informant went and enquire from Jagdish Yadav and Shila Devi, the parents of Mithun Kumar, but the accused persons misbehave with him.



Learned counsel for the petitioners submits that the petitioners are father, mother and sister of Mithun Kumar. They have got no concern with the kidnapping of the victim. The victim was recovered and she made her statement under Section 164 of the Code of Criminal Procedure and disclosed that she went to the house of Nilam Devi on her request. Thereafter, the petitioners Jagdish Yadav and his wife Shila Devi offered her laddu and after eating laddu she became unconscious. She got consciousness in Dehradun. The informant further alleged that Mithun Kumar established physical relation with her and he was treating her as his wife. The victim made false statement and the petitioners have falsely been implicated in the case.

Learned APP as well as learned counsel for the informant opposed the prayer for anticipatory bail. It appears that the victim made specific allegation against petitioner no.3 Nilam Devi that Nilam Devi took her to the house thereafter Jagdish Yadav and Shila Devi offered her laddu and thereafter the victim became unconscious and she was taken to Dehradun. The victim disclosed her age to be 12 years, but the court also assessed the age of the victim to be 13 years. During the course of investigation, the witnesses have also reiterated the same facts.

Considering the facts that the petitioners kidnapped



the victim without her consent for the purpose of marriage, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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