

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44099 of 2017

Arising Out of PS.Case No. -16 Year- 2017 Thana -MAIN P.S. District- GAYA

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1. Sitabiya Devi, W/o Shivilal Chauhan @ Shivilal Prasad.
 2. Shivilal Chauhan @ Shivilal Prasad, S/o Sada Briksh Chauhan.
 3. Akshay Kumar Chauhan @ Akshay Kumar, S/o Shivilal Chauhan @ Shivilal Prasad.
 4. Ajit Kumar Chauhan @ Ajit Kumar, S/o Shivilal Chauhan @ Shivilal Prasad. All Resident of Village-Kharka, P.S.-Makhdumpur District-Jehanabad.
- Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Uma Shankar Sharma, Advocate
For the Opposite Party : Mr. Sri Damodar Prasad Tiwar (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioners and learned counsel representing the State.

The petitioners apprehend their arrest in connection with Men (Paibigha) P.S. Case No. 16 of 2017, registered for the offences punishable under Sections 366(A)/120(B) of the Indian Penal Code.

Allegedly the daughter aged about 17 years of the informant became traceless and thereafter on query it was revealed that she was seen with Amit Kumar Chauhan, the son of petitioner nos. 1 and 2 at Makhdumpur railway station and when the informant asked the petitioners they abused and told that Amit fled away with his daughter.

Submission is of false implication and that the victim girl is major which is apparent from his certificate Annexure-2, the



informant is adamant to kill the victim girl and Amit resulting, they are not appearing before the police. The victim girl went away with her own sweet will and, as such, no offence under Section 366(A) and 120 (B) of I.P.C. is made out against the petitioners. The petitioners have got no role in the said kidnapping and, as such, the petitioners deserve sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail.

In the facts and circumstances as stated above, considering that Amit Kumar Chauhan was seen with the victim girl at Makhdumpur railway station and not with the petitioners and, as such, the petitioners in the event of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released 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 Chief Judicial Magistrate, Gaya, in connection with Men (Paibigha) P.S. Case No. 16 of 2017, subject to the conditions as laid down in section 438(2) of the Cr.P.C.

(Jitendra Mohan Sharma, J.)

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