

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60086 of 2017

Arising Out of PS. Case No.-318 Year-2017 Thana- LAHERIMUHALLA District- Nalanda

1. Heera Chaudhary, S/o- Rajdeb Chaudhary,
2. Vikash Chaudhary, S/o- Vijay Chaudhary,
3. Vijay Chaudhary, Son of Hazari Chaudhary,
4. Bindi Chaudhary @ Bindi Devi, W/o Vijay Chaudhary, All R/o-
Village- Sirsiya, P.S.- Noorsarai, District- Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh
For the Opposite Party/s : Mr. SRI AHTASH ALI KHAN

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-12-2017 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 504, 363, 366 and 506/34 of the IPC.

The prosecution case is that the informant's daughter Chandani Kumari used to attend tuition classes, but on the way, co-accused Raju Choudhary used to misbehave with her. On such information being given by the daughter, the informant complained before petitioner no.2, Vikash Choudhary, the brother of the Raju Choudhary, upon which he became furious and threatened to assault. It is further alleged that on 10.05.2017, the victim went to market, but she did not return and since then she is traceless. On 05.06.2017, the informant



received a telephonic call that the daughter of the informant was kidnapped by Raju Choudhary, who kept her at the house of his brother. Thereafter, the informant failed to contact the caller. The informant then contacted to maternal uncle of Raju Chaudhary, namely Heera Chaudhary, petitioner no.1 and parents Vijay Chaudhary, petitioner no.3 and mother Bindi Chaudhary, petitioner no.4, who asked the informant not to disclose the fact to anyone and they assured that Raju Chaudhary will perform marriage with the daughter of the informant and she will return within eight days, but when the victim did not return, the informant further requested the accused person, whereupon, the accused persons abused the informant and refuse to hand over the daughter of the informant. Hence, ultimately, the present FIR has been lodged.

It is submitted by learned counsels for the petitioners that for the occurrence of 10.05.2017, the FIR was lodged on 03.08.2017. Thrust of accusation is against Raju Chaudhary. As per medical opinion, the age of the victim has been assessed to be between 15 to 16 years, whereas in the statement recorded under Section 164 Cr. P.C., the victim got her age recorded as 18 years and the Court assessed her age as 17 years. In the statement recorded under Section 164 Cr. P.C., the victim stated



that she, of her own, eloped with Raju Chaudhary and has married him. The victim has not made any accusation against the petitioners, rather she has stated that she does not have any grievance against the in-laws family. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that accusation is of kidnapping the minor girl.

Considering the delayed lodging of the FIR and the fact that the thrust of accusation is against Raju Chaudhary, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda at Biharshari in connection with Laheri P.S. Case No. 318 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

The bail bonds of the petitioners shall be accepted by the learned Court below on filing affidavit by the petitioners that they will regularly appear during investigation. If the petitioners fail to appear on three consecutive occasions, the learned court



below will be at liberty to cancel the bail bonds of the
petitioners.

(Dinesh Kumar Singh, J)

Amrendra/-

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