

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14970 of 2017

Arising Out of PS.Case No. -27 Year- 2017 Thana -RIGA District- SITAMARHI

=====

1. Ravi Kumar, Son of Bhavan Paswan,
2. Subodh Kumar Paswan @ Subodh Kumar @ Chhote Kumar, Son of
Ramswaroop Paswan,
3. Pramod Paswan, Son of Ramswaroop Paswan,
4. Abodh Paswan @ Amod Kumar, Son of Jagdeo Paswan, All R/o Riga
Imali Bazar, P.S. Riga, District - Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Sri Mritunjay Kumar Nirala

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 09-05-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Riga P.S. Case
No. 27 of 2017 instituted for the offence under Sections-366A,
372/34 of the Indian Penal Code.

It is alleged in the written report that on the date of
occurrence, the informant allowed his daughter Neetu Kumari to
go to Baghi Math with Mamta Devi and her family members. His
daughter did not return. Thereafter, the informant went to the
house of Mamta Devi where the informant was told that his
daughter has gone with Ravi Kumar (petitioner No. 1) and they
have fled away.



The C.D. has been received.

In paragraphs-6, 9, 10, 19, 20 & 21 of the C.D. it has been stated that there was love affairs with the daughter of the informant and petitioner No. 1. The statement of victim girl was recorded u/S 164 of the Cr.P.C. which is annexed as Annexure-2, wherein, she has not levelled any specific allegation against the petitioners. She has merely stated that all the petitioners took her by four wheelers in the village of Mama of Ravi Kumar (petitioner No. 1). It has further been stated that in the night, she fled away from the house. The victim girl in her statement recorded u/S 164 of the Cr.P.C. has stated her age as 18 years and the court below has also assessed her age as 18 years. As such, the girl was major.

From the C.D., it appears that the victim girl was not medically examined.

In such circumstances, prayer for anticipatory bail is allowed it is ordered that the petitioners named above, in the event of their arrest or surrender in the court below within four weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection



with Riga P.S. Case No. 27 of 2017 to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

The explanation, submitted by learned Sessions Judge, Sitamarhi is accepted.

Learned Sessions Judge, Sitamarhi is expected to write proper order after looking into the relevant materials and not write order in such cryptic manner. He is directed to be careful in future while passing orders and shall not write such cryptic order without looking into material available in the case record.

(Sanjay Priya, J)

A.K.V./-

U		T	
---	--	---	--

