

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51660 of 2017

Arising Out of PS. Case No.-105 Year-2017 Thana- CHAUSA District- Madhepura

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1. Mannu Choudhary, Son of Ratan Choudhary.
 2. Mithun Choudhary, Son of Ratan Choudhary, Both residents of Village- Fulout (East), Police Station- Chousa, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. SRI YOGENDRA KUMAR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-11-2017 Heard learned counsel for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 363 and 366A/34 of the IPC.

The prosecution case got initiated with the written report of Sita Devi, to the effect that her 13 years-old daughter Chanda Kumari went traceless since 23.4.2017 morning from 4 A.M. She was wearing gold chain worth Rupees Fifteen Thousand and she took with her Twenty Five Thousand Rupees from the house.

It is submitted by learned counsel for the petitioner that the statement of the victim under Section 164 of the Cr.P.C. was recorded where she claimed herself to be 14 years of age



whereas the court assessed her aged 13 ½ years. She claimed that she went to the house of Ratan Choudhary which she used to visit frequently but her mother had a suspicion that she was in love with petitioner no. 1 Mannu Choudhary, the son of Ratan Choudhary. Medical report as contained in Annexure 3, does not suggest any injury to the victim or mark of any sexual activities. The petitioner no. 2 is the brother of petitioner no. 1. Statement has been made in paragraph 3 of the petition that the petitioners have no criminal antecedent.

Considering the fact that the accusation is not being corroborated with the statement of the victim under section 164 of the Cr.P.C. or by the medical opinion, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned SDJM, Udakishunganj, Madhepura in connection with Chausa (Fulout) P.S. Case No. 105 of 2017.

(Dinesh Kumar Singh, J)

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