

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2239 of 2018

Arising Out of PS. Case No.-123 Year-2017 Thana- BELDAUR District- Khagaria

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1. Vijay Mandal, Son of Jattu Mandal
 2. Sakhichan Mandal, Son of Jattu Mandal
 3. Jattu Mandal, Son of Late Hakim Mandal, all are Residents of Village - Bari Bharna, P.S. - Beldour, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. SRI MUKESHWAR DAYAL

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-01-2018 Heard learned counsels for the petitioners and State.

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

The prosecution case, as per the written report of Sanjay Singh dated 24.06.2017, submitted to the S.H.O., Beldour Police Station is to the effect that on 18.06.2017 at 5 PM, the daughter of the informant, namely Punita Kumari aged about 14 years went to nearby shop to purchase some grossery for the house and while she was returning home, co-accused Awadhesh Mandal called her when the petitioners enticed away the victim for the purposes of marriage. It is also alleged that the accused persons used to threaten the informant.

It is submitted by learned counsel for the petitioners that



for the occurrence of 18.06.2017, the written report was submitted on 24.06.2017. The victim in her statement, recorded under Section 164 of the Cr. P.C., got her age recorded as 19 years, when the Court assessed her age as 18 years, where the victim stated that she had called Awadhesh Mandal through phone to Beldaur and from there, the victim and Awadhesh Mandal went to Delhi and both of them performed marriage on 02.07.2017 at Madhepura, hence the victim has not even whispered the names of the petitioners. The statement of the victim, recorded under Section 164 of the Cr. P.C., completely demolishes the prosecution case. 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 the petitioners are named in the FIR.

Considering the fact that the victim in her statement recorded under Section 164 Cr. P.C., has not named the petitioners when she completely denies the factum of kidnapping, 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 ACJM-III, Khagaria in connection with Beldaur P.S.
Case No.123 of 2017, subject to the condition as laid down
under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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