

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20349 of 2018

Arising Out of PS.Case No. -134 Year- 2017 Thana -RUNISAIDPUR District- SITAMARHI

- =====
1. Manju Devi, W/o Bhushan Singh,
 2. Bhushan Singh S/o Late Upendra Singh, Both R/o Village- Morsand,
P.S.- Runnisaidpur, District- Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Opposite Party/s : Mr. Sri Chandrasen Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 17-04-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 363 and 366A/34 of the Indian Penal Code.

The prosecution case got initiated with the written report of Ram Kumar Singh dated 29.03.2017 submitted to the Station House Officer, Runnisaidpur P.S., District – Sitamarhi, to the effect that that informant's minor daughter aged 15 years namely, Sonam Kumari was kidnapped by Kanhai Kumar, his brother Kishan Kumar and his friend Vivek Kumar. It is alleged that the petitioners, being the relatives of Kanhai



Kumar, are co-villagers of the informant, hence, Kanhai Kumar came during marriage in the house of the petitioners and proposed for the marriage. When the informant declined the offer of the accused Kanhai Kumar then the threat was given and ultimately on 19.03.2017 the minor daughter of the informant was kidnapped.

It is submitted by learned counsel for the petitioners that for the alleged occurrence of 19.03.2017, the written report was submitted on 29.03.2017, after 10 days of the occurrence. The thrust of accusation is against Kanhai Kumar. In the statement recorded under Section 164 Cr.P.C. on 05.05.2017, the victim got her age recorded as 18 years when the Court has assessed her age as 19 years wherein she has stated that on 19.03.2017, without informing anyone, she got married with Kanhai Kumar at Durga Temple, Muzaffapur and is leading a happy conjugal life, she has never been kidnapped and a false case has been instituted. She has also claimed that now she is pregnant. This claim of carrying pregnancy has been firmed by the medical board during examination of the victim on 05.05.2017. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.



Learned APP, however, submits that the petitioners are named in the FIR.

Considering the fact that in the statement under Section 164 Cr.P.C. the victim got her age recorded as 18 years when the Court has assessed her age as 19 years, she claimed to have married with Kanhai Kumar and the victim has not named the petitioners in her statement recorded under Section 164 Cr.P.C. coupled with the fact that the petitioners are not having criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or 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 the like amount each to the satisfaction of learned Additional Sessions Judge-I –cum- Special Judge (POCSO Act), Sitamarhi in connection with Runnisaidpur P.S. Case No. 134 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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