

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.11375 of 2018

Arising Out of PS. Case No.-44 Year-2014 Thana- HARSIDHI District- East Champaran

1. Binod Prasad, S/o Late Hari Lal Prasad,
2. Gulsan Kumar S/o Sanjay Prasad,
3. Aalam Mian @ Aalam Panch S/o Moharam Mian,
All are R/o Village- Ranjita, P.S.- Harsidhi, District- East Champaran.
4. Saddam Hussain S/o Md. Ijhar Hussain, R/o Village- Srikhindi,
P.S.- Sugauli, District- East Champarn.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Opposite Party/s : Mr. SRI ANIL PRASAD SINGH

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 27-02-2018 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in connection with Harsidhi P. S. Case No. 44 of 2014 registered for the offences punishable under Sections 366A, 506, 379/34 of the Indian Penal Code.

Allegedly, the daughter, aged about 16 years of the informant was kidnapped by the petitioners and other co-accused and at that time she was wearing gold chain valued Rs. 31,000/-. During investigation the statement of the victim girl has been recorded under Section 164 Cr.P.C. wherein she has



stated her age to be 25 years and the learned Magistrate assessed her age 20 years so she was major at the time of occurrence. She has denied regarding her kidnapping and has specifically stated that she performed marriage with Anshu Kumar Srivastava out of her own sweet will and she has not been kidnapped by anyone. She further stated that she has got two children and she expressed her willingness to go with her husband.

Submission is of false implication and that in view of the statement of the victim no offence as alleged is made out against the petitioners and they have been implicated without any basis and as such the petitioners deserve sympathetic consideration.

Learned APP fairly submits that the victim has not supported the allegation of kidnapping.

In the facts and circumstances stated above, the petitioners above named, in case of their arrest or surrender within four weeks from the date of receipt/production of a copy of this order, are directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran at Motihari in connection with Harsidhi P. S. Case No. 44 of 2014, subject to the condition as



laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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