

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11377 of 2018

Arising Out of PS. Case No.-326 Year-2017 Thana- HARSIDHI District- East Champaran

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1. Bharat Chaudhary, S/o Late Asharfi Chaudhary,
2. Etwari Devi W/o Bharat Chaudhary,
Both R/o Village- Govindapur, P.S.- Harsidhi, District- East
Champaran. Petitioners

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar

For the Opposite Party/s : Mr. SRI PARMANAND PRASAD

**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. 326 of 2017 registered for the offences
punishable under Sections 363, 366, 366A of the Indian Penal
Code.

Allegedly, the daughter, aged about 16 years, of the
informant had gone to attend the call of nature and then the
petitioners and co-accused kidnapped her. During investigation
the statement of the victim girl has been recorded under Section
164 Cr.P.C. wherein she has not supported the allegation of
kidnapping and she has specifically stated that she went with
Vicky Chaudhary out of her own sweet will and performed
marriage with him. She has stated her age to be 19 years and the



learned Magistrate also assessed her age to be 19 years.

Submission is of false implication and that in view of the statement of the victim girl no offence as alleged is made out, the petitioners have been made victim of circumstances and as such the petitioners deserve sympathetic consideration.

Learned APP fairly submits that the victim girl has not supported the allegation of kidnapping in her statement recorded under Section 164 Cr.P.C.

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. 326 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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