

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34042 of 2018

Arising Out of PS. Case No. -9 Year- 2018 Thana -MAHILA P.S. District- SARAN

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1. Biresb Sharma, S/o Sri Jagar Nath Sharma,
2. Parwati Devi, W/o Biresb Sharma, Both R/o of Village- Goura, P.O.-
Goura, P.S.- Goura, O.P. (Marhowrah), District- Saran at Chapra.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tej Pratap Singh

For the Opposite Party/s : Mr. Smt. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 28-06-2018

Heard both sides.

The petitioners apprehend their arrest in Mahila P.S. case No. 9 of 2018 under Section 376/34 of the Indian Penal Code and under Section 34 of POCSO Act.

The victim alleged that Amit Kumar allured her on the pretext of marriage and took her to his house where the petitioners, who happens to be father and mother of Amit Kumar, instigated her to flee away with Amit Kumar so that she solemnize marriage with Amit Kumar. It is further alleged that Amit Kumar took her to Ambala and established physical relationship but refused to marry.

The learned counsel for the petitioners submits that present case was lodged on 12.3.2018. Prior to institution of the present case, the father of the victim lodged Marhowrah P.S. Case No. 479/2016 under section 366A and other sections of the IPC in which the informant alleged that his wife disclosed that his



daughter had gone to attend the call of nature in the bamboo bush situated behind the house but Amit Kumar kidnapped her on a Motorcycle. It is further submitted that the victim made her statement under section 164 of the Cr.P.C. (Annexure-3) but she denied the factum of her kidnapping. The victim herself lodged this case after about two years from the 1st occurrence and made allegation against the petitioners, who happens to be parents of Amit Kumar.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-Ist, Saran at Chapra, in connection with Mahila P.S. case No. 9 of 2018 subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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