

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50274 of 2018

Arising Out of PS. Case No.-205 Year-2018 Thana- BHAGWAN BAZAR District- Saran

1. Sudhir Rai, son of Late Munni Lal Rai.
2. Rekha Devi, wife of Sudhir Rai.
Both resident of Mohalla- Katra, P.S.- Bhagwan Bazar, District- Saran at Chapra.
3. Birendra Yadav, son of Akil Yadav.
4. Urmila Devi, wife of Birendra Yadav.
5. Kanchan Kumari, daughter of Birendra Yadav.
All resident of Village- Babu Ke Dera, Jai Prakash Nagar, P.S. Rivilganj (Old), Bairiya (New), District- Saran at Chapra, Bihar (Old), Ballia, Uttar Pradesh (New).

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr.
For the State	:	Mr.
For the Informant	:	Mr.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the informant.

The petitioners apprehend their arrest in connection with Bhagwan Bazar P.S. Case No.205 of 2018 registered under Sections 366(A)/34 of the Indian Penal Code.

The accusation is that on 14.05.2018, Gudia Devi, aged about 15 years, the minor daughter of the informant Sindhu Devi, had gone to the house of her brother-in-law Sudhir



Rai for cooking the meal. When the daughter of the informant did not return to her house till late night, the informant went to the house of her brother-in-law Sudhir Rai, where the Gotani of the informant informed her that her daughter had gone with her brother Dhananjay Kumar. Thereafter, the informant came to know that under conspiracy, her brother-in-law and Gotani got managed to move her daughter with Dhananjay Kumar.

Learned counsel for the petitioners submits that, in fact, the daughter of the informant left the house according to her own sweet will with Dhananjay Kumar, who is son of the petitioner nos.3 and 4, and performed the marriage with him in a temple. In her statement as recorded under Section 164 of the Code of Criminal Procedure, the victim, the daughter of the informant, disclosed her age as 17 years and on her medical examination, her age has been assessed between 17-18 years. Due to ulterior motive, the informant has lodged this false case, implicating the petitioners, who are father, mother and sister of Dhananjay Kumar and uncle and aunt of the victim.

On the other hand, learned counsel for the informant submits that while in her statement recorded under Section 164 of the Code of Criminal Procedure, the victim has stated about performing marriage with Dhananjay Kumar but, later on, she



has sworn an affidavit in the court below about giving her statement under Section 164 of the Code of Criminal Procedure under pressure.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra, in connection with Bhagwan Bazar P.S. Case No.205 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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