

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.62231 of 2018

Arising Out of PS. Case No.-198 Year-2018 Thana- MASHRAK District- Saran

1. Bidhawati Devi
2. Bittu Kumar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Singh

For the Opposite Party/s : Mr. Pawan Kumar Chaurasiya

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-12-2018

Heard learned counsels for the parties.

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

The prosecution case as per the written report of Shanti Devi submitted to the SHO, Mashrak Police Station is to the effect that on 10.6.2018 at about 8 P.M. the daughter of the informant, namely, Rajal Kumari aged about 16 years went outside to ease out but she did not return. Thereafter, search was made but she could not be traced. On the next day i.e., 11.6.2018 also she could not be traced but subsequently, the informant came to know that daughter of the informant has been kidnapped by Bidyawati Devi (petitioner no. 1), Bittu Kumar (petitioner no. 2) and co-accused Sutesh Mahto and Bharti Mahto.



It is submitted by learned counsel for the petitioners that the prosecution version gets falsified from the statement of the victim under Section 164 Cr.P.C. where she has got her age recorded as 17 years and the Court has also assessed her age as such. She has further stated that she was kidnapped by petitioner no. 1 and co-accused Bharti Mahto on 4.6.2018. For 16-17 days she was kept at the house of one Suraj. On 18.6.2018 they were planning in presence of petitioners and others about taking the victim girl to Kolkata.

Learned APP submits that there is specific accusation in the FIR and in the statement of the victim under Section 164 of Cr.P.C.

Considering the inconsistencies with regard to the date of occurrence, manner of occurrence as in the statement of the victim under Section 164 of Cr.P.C. substantially demolishes the prosecution case, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-VI, Saran at Chapra in connection with



Masrakh P.S. Case No.198 of 2018 subject to the conditions laid
down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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