

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63515 of 2017

Arising Out of PS.Case No. -172 Year- 2017 Thana -SANHOLA District- BHAGALPUR

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1. Khakhri Devi, W/o Dinesh Bind,
2. Saurabh Kumar @ Sharubh Kumar, S/o Dinesh Bind,
Both R/o Village- Maheshpur, P.S.- Sanhola, District- Bhagalpur.
..... Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiwesh Chandra Mishra, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioners and State.

The petitioners are in custody in connection with Sanhola P.S. Case No. 172 of 2017 for the offence under Sections 366(A)/34 of the Indian Penal Code and Section 4 of the POCSO Act.

There is allegation in the fardbeyan that the daughter of the informant was kidnapped by the accused persons for marriage with co-accused Ramu Kumar.

Learned counsel appearing on behalf of the petitioners submits that the petitioners have no criminal antecedent. He has drawn the attention of the Court to the statement of the victim contained in Annexure-2, wherein the victim has categorically stated that she left her house on account of the fact that her parents were inclined to solemnize her marriage



and she was not inclined to join the wedlock. From perusal of Annexure-2, it also appears that she voluntarily left her house and moved towards her uncle's (Fufa) house and in her statement she has not made any allegation against these petitioners. The name of the petitioners figures in this case because they are the mother and brother of Ramu Kumar.

Considering the fact that the petitioners have no criminal antecedent, as per statement made in para 3 of the petition, and also that the petitioners have remained in custody for four months as well as the fact that the victim has stated that she wanted to prosecute study, but against her wishes the parents were inclined to solemnize her marriage and, as such, she left her house, the petitioners, named above, are directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of 1st Additional Sessions Judge, Bhagalpur in connection with Sanhaua P.S. case no. 172 of 2017 (G.R. No. 4297 of 2017) with the condition that the bailors would be the family members of the petitioners.

(Anil Kumar Upadhyay, J)

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