

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39820 of 2018

Arising Out of PS.Case No. -87 Year- 2017 Thana -BARIYARPUR District- MUNGER

- =====
1. Diwakar Kumar @ Deepak Kumar, S/o Bindeshwar Mandal,
 2. Rajnikant Kumar S/o Bindeshwari Mandal,
 3. Raju Kumar @ Raja Kumar S/o Bindeshwari Mandal, All R/o Vill.-
Sarswati Nagar Markahwa, P.S.- Bariyarpur, District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 10-07-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 323, 341, 363 and 366A/34 of the Indian Penal Code.

The prosecution case as per the complaint petition of Ramni Devi, which ultimately got transferred under Section 156(3) Cr.P.C. to the police for registration of the case, is to the effect that the minor daughter of the informant, Manisha Kumari aged about 14 years was kidnapped on 01.05.2017 at 7.00 A.M. at the hands of the petitioners and others.

It is submitted by learned counsel for the



petitioners that in the statement under Section 164 Cr.P.C. the victim has got her age recorded as 19 years when the Court has assessed her age as 18 years. The Medical Board has assessed the age of the victim between 19 to 20 years. Statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That the victim has been examined by medical Board and according to the medical report age of the victim is about 19 to 20 years.”

It is further submitted by learned counsel for the petitioners that in the statement under Section 164 Cr.P.C., the victim has stated that she on her own married with petitioner no. 3, Raju Kumar and both are residing as husband and wife and in view of the statement of the victim under Section 164 Cr.P.C., no offence is made out against petitioner no. 3 and petitioner nos. 1 and 2 are brothers of petitioner no. 3.

Learned APP, however, submits that the accusation is specific against the petitioners in the complaint petition/first information report.

Considering the statement under Section 164 Cr.P.C. which completely negates the accusation coupled with the



statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing 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, Munger in connection with Bariyarpur P.S. Case No. 87 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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