

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1924 of 2018

Arising Out of PS.Case No. -325 Year- 2017 Thana -DEEPNAGAR District- NALANDA
(BIHARSHARIFF)

- =====
1. Sainu Yadav @ Sainu Kumar, S/o Late Ram Balak Yadav,
 2. Sarbila Devi, W/o Sainu Yadav, Both resident of Village- Mahamadpur
(Balwapur), P.S.- Harnaut (Kalyan Bigha), District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ganesh Sharma

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

02/ 15-01-2018

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 365 and 366A/34 of the Indian Penal Code.

The prosecution case as per the written report of Arjun Gope dated 03.10.2017 submitted to the SHO of Deepnagar Police Station is to the effect that on 30.09.2017 at 7.00 P.M. the daughter of the informant namely, Subirla Kumari went to Biharsharif along with the petitioners' being brother-in-law and own sister but she did not return till 03.10.2017. When the informant went to his daughter, petitioner no. 2 and



son-in-law, petitioner no. 1 but they were also not found in their house. On enquiry the informant came to know that they have not come to their house since last 4-5 days, hence, it was alleged that the daughter of the informant has been kidnapped by these petitioners.

It is submitted by learned counsel for the petitioners that petitioner no. 1 is the son-in-law of the informant and petitioner no. 2 is the elder daughter of the informant. The victim Subirla Kumari got married with the brother of petitioner no. 1 Mukesh. In the statement under Section 164 of the Cr.P.C., as contained in Annexure-2, the victim got her age recorded as 20 years when the Court has assessed her age as 18 years where she has stated that she was taken by the petitioners, who are brother-in-law and sister of the victim to Biharsharif where the brother of her brother-in-law namely, Mukesh was also found and Mukesh took her and forcibly married with her in a temple. Thereafter, she came to Patna and Mukesh used to give life threats to her parents.

Learned APP submits that there is specific accusation against the petitioners.

Considering the fact that accusation of kidnapping or threat is only levelled against Mukesh, no



accusation has been levelled by the victim in her statement under Section 164 of the Cr.P.C. against the petitioners, the victim has been found to be major by the learned Magistrate, who recorded her statement under Section 164 of the Cr.P.C. 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 Additional Chief Judicial Magistrate-IV, Nalanda at Biharsharif in connection with Deepnagar P.S. Case No. 325 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--

