

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39393 of 2018

Arising Out of PS.Case No. -97 Year- 2016 Thana -KHAGARIA District- KHAGARIA

- =====
1. Sanjeev Sah @ Sanjeet Sah, Son of Dilip Sah,
 2. Anita Devi, Wife of Sanjeev Sah @ Sanjeet Sah, Both are resident of Village- Bela Simari, P.S.- Gangaur, District- Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 09-07-2018

Learned counsel for the petitioners is

permitted to make necessary correction in the petition.

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 363 and 366A of the Indian Penal Code.

The prosecution case as per the written report of Kranti Devi submitted to the Station House Officer, Gangaur, Khagaria P.S., is to the effect that on 14th January, 2016 at 12.00 P.M. the agnate of the informant namely, Vishnu Sah took the daughter of the informant, namely Rani Kumari on the eve of



Makar Sankranti festival and when they did not come back by 5-6 P.M. then, the informant went to the house of Vishnu Sah to make enquiry but she was not found there and father of Vishnu Sah namely, Dilip Sah, his mother, Rubi Devi and his brother, Ranjeet conveyed that Rani and Vishnu have gone somewhere. When the informant threatened to lodge criminal case, then the father of Vishnu Sah revealed that the victim was taken to maternal uncle's house of Vishnu Sah, but after three days, Vishnu Sah conveyed that she is not at his maternal uncle's house. Subsequently, the informant came to know that her daughter has been taken to somewhere else.

It is submitted by learned counsel for the petitioner that for the occurrence of 14.01.2016, the FIR has registered on 10.02.2016 and in the statement under Section 164 Cr.P.C., the victim has not named the petitioners rather she has stated that she of her own married with Vishnu Sah. Further the victim has got her age recoded as 16 years when the Court has assessed her age as 20 years. The petitioners have been roped in the present case since they happen to be brother and sister-in-law (Bhabhi) of Vishnu Sah. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.



Learned APP, however, submits that the accusation is specific against entire family members of Vishnu Sah.

Considering the thrust of accusation against Vishnu Sah when in the statement under Section 164 Cr.P.C., the victim has not named the petitioners and delayed lodging of the FIR 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, Khagaria in connection with Khagaria (Gangaur) P.S. Case No. 97 of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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