

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45148 of 2018

Arising Out of PS.Case No. -89 Year- 2018 Thana -GOVINDGANJ District- EASTCHAMPARAN
(MOTIHARI)

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1. Malti Devi, W/o Kameshwar Tiwary,
2. Kameshwar Tiwary S/o Hari Tiwary, Both R/o Vill.- Kanchhedwa, P.S.- Govindganj, District- East Champaran.
3. Santosh Mishra S/o Jag Mohan Mishra,
4. Mintu Devi W/o Santsoh Mishra,
5. Dipu Kumar S/o Santosh Mishra,
6. Chhotan Mishra S/o Madho Mishra, All Residents of Vill.- Jogiyar, P.S.- Govindganj, District- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 02-08-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Govindganj P.S.Caes No.89 of 2018 , registered for offences punishable under Sections 363, 365, 366A of the Indian Penal Code and Section 6 of the POCSO Act.

Allegation against the petitioners is of kidnapping the minor daughter of the informant.

Submission of the learned counsel for the petitioners is that the statement of the girl has been recorded and she has stated that she married with the with Akhilesh Tiwary on her own sweet-will



and she has stated her age 20 years and the court has assessed her age as 19 years and further submission of the learned counsel for the petitioners is that the petitioners are father, mother and friends of Akhilesh Tiwary.

Heard learned A.P.P. and the learned counsel for the informant. They have opposed the prayer for bail stating that the girl has again left the house along with the petitioner and she is minor. .

Having heard both sides and in view of the facts and circumstances, as stated above , let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran, Motihari in connection with Govindganj P.S.Case No.89 of 2018 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when



required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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