

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.70862 of 2018

Arising Out of PS. Case No.-77 Year-2017 Thana- SHEIKHOPUR SARAI District-
Sheikhpura

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1. Kalpana Devi, Wife of Mantun Singh,
 2. Baby Devi, Wife of Bablu Singh, Both are resident of Village-
Kshema, P.S.- Sheikhopur Sarai, District- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gyanendra Kumar Singh

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2018

Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363 and 366A/34 of the IPC and Section 8 of the Protection of Children from the Sexual Offences Act.

The prosecution case, as per the written report of Mangal Singh, dated 03.07.2017 submitted to the Station House Officer, Sekhopur Sarai Police Station, is to the effect that the informant's daughter, Ruchi Kumari aged about 15 years went missing on 01.07.2017 at 3 PM. On inquiry from the local people, the informant came to know that his daughter has been abducted by one Dheeraj Kumar with the intent of marriage, whereas some co-villagers facilitated the abduction. The FIR



was lodged against co-accused Dheeraj Kumar, Tanna Kumar, Diwakar Kumar and Mandun Kumar. The Victim in her statement, recorded under Section 164 Cr. P.C. stated that she went to Shekhopur market on 01.07.2017 in the company of Sabnam Devi, Bebi Devi and Kalpana Devi and from there, she was abducted by co-accused Dheeraj Kumar, Bhusan Singh, Tanna Kumar, Jitendra Kumar, Bablu Singh and Mantun singh and taken to Jharkhand where co-accused Dheeraj Kumar performed marriage with her. It is further alleged that co-accused Dheeraj Kumar and Bhusan Singh established forceful physical relationship with the victim.

It is submitted by learned counsel for the petitioners that the victim during medical examination, has been assessed between 16 to 17 years of age. The victim in her statement, recorded under Section 164 Cr. P.C. has not alleged against the petitioners so far as act of abduction or accusation of sexual assault is concerned. It is further submitted that for the occurrence of 01.07.2017, on the written report dated 03.07.2017, the FIR was lodged on 04.07.2017. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that there is specific accusation



against the petitioners.

Considering the fact that the victim in her statement recorded under Section 164 Cr. P.C. has not alleged the act of kidnapping on the part of the petitioners, who are ladies, coupled with the statement made in paragraph no.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/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 like amount each to the satisfaction of learned Addl. District and Sessions Judge-I, Sheikhpura in connection with Shekhopur Sarai P.S. Case No. 77 of 2017, POCSO Case No. 29 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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