

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 72326 of 2018

Arising Out of PS. Case No.-1723 Year-2017 Thana- Sasaram Muffsil District- Rohtas

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1. Monrika Paswan S/o Sitaram Paswan, R/o Village – Supa Bigha, P.S. - Akodhi Gola, District – Rohtas.
 2. Soni Devi, W/o Shiv Paswan
 3. Shiv Paswan, S/o Ganesh Ram, Both are R/o Village – Banrasiya, P.S. - Sasaram (M), District – Rohtas.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Ashutosh Tripathy
For the State	:	None

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2. 04-12-2018 At the very outset, learned counsel for the petitioners submits that in paragraph – 1 and prayer portion of the petition, year of the case number has incorrectly been typed. Instead of “Sasaram (Mufassil) P.S. Case No. 1723/2017”, it has been typed as “Sasaram (Mufassil) P.S. Case No. 1723/2018”. Learned counsel for the petitioners is permitted to make correction.

Heard Sri Ashutosh Tripathy, learned counsel for the petitioners. None appeared on behalf of State.

Three petitioners, apprehending their arrest in Sasaram (Mufassil) P.S. Case No. 1723 of 2017 registered for offence under Sections 366(A), 34 of the Indian Penal Code,



have prayed for grant of bail in the event of their arrest or surrender.

It was submitted by learned counsel for the petitioners that in the case, it was alleged that 12 year minor girl of the informant had fled away with the son of petitioner no. 1 (Monrika Paswan), whereas, the victim girl in the case during investigation gave her statement under Section 164 of the Cr.P.C., in which, she stated that she had voluntarily gone with Neeraj Kumar (son of petitioner no. 1), whom she was addressing as भैया (*Bhaiya*). The copy of the statement of the victim recorded under Section 164 of the Cr.P.C. has been brought on record as Annexure – 2 to the petition. He submits that no allegation was made by the victim even against the son of petitioner no. 1. Petitioner no. 2 is sister of the main accused Neeraj Kumar and petitioner no. 3 is husband of petitioner no. 2. It has been argued that even in the F.I.R., save and except the fact that petitioners are relative, no specific accusation was made against the petitioners.

In view of statement of the victim recorded under Section 164 of the Cr.P.C., which has been enclosed as Annexure – 2 to the petition, there is no reason to refuse the prayer for anticipatory bail.



Accordingly, in the event of their arrest or surrender within a period of six weeks from today, let aforesaid three petitioners namely 1. Monrika Paswan, 2. Soni Devi and 3. Shiv Paswan be enlarged on bail on furnishing bail-bond of **Rs. 10,000/-** (ten thousand) each with two sureties of the like amount each to the satisfaction of learned C.J.M., Rohtas at Sasaram in connection with Sasaram (Mufassil) P.S. Case No. 1723 of 2017, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Rakesh Kumar, J.)

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