

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.60632 of 2018

Arising Out of PS. Case No.-26 Year-2018 Thana- BASANHI District- Saharsa

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1. Govind Kumar, S/o Gajendra Pandit, R/o Vill.- Mokma, P.S.- Basnahi, District- Saharsa.
 2. Gajendra Pandit S/o Subhuk Pandit @ Subhuk Lal Pandit, R/o Vill.- Mokma, P.S.- Basnahi, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Opposite Party/s : Mr. Sri Madhuranand Jha

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 21-12-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Basnahi P.S. Case No. 26 of 2018 dated 23.03.2018 instituted for the offences under Sections 366(A) and 34 of the Indian Penal Code.

The 14 year old daughter of the informant is said to have been abducted by the petitioners and another. After the recovery of the daughter of the informant, she gave her statement under Section 164 Cr.P.C. in which she has alleged the offences charged against the petitioners and others.

Mr. Amar Nath Jha, learned counsel appearing for the petitioners however has submitted that though



the age of the daughter of the informant has been stated to be 14 years by her father (the informant) but the fact of the matter is that she is a major. In support of the aforesaid contention, he has drawn the attention of this court to the medical report about the assessment of the age of the victim which has been assessed between 15-17 years.

Apart from this, it has been submitted that the daughter of the informant is now residing in the house of the petitioners as wife of the petitioner no. 1 and is also in family-way. However there is no such statement in the petition or by way of affidavit. Learned counsel for the petitioner submits that in case the petitioners are made to go to jail, there is a likelihood of disruption of the family life of petitioner no. 1 with the daughter of the informant. Today, as the situation stands, even the informant is not willing to prosecute the petitioners any further considering that his daughter has now settled well in the family of the petitioners.

Considering the aforesaid facts and especially taking into account that the daughter of the informant is pregnant, the petitioners are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on their



furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Saharsa in connection with Basnahi P.S. Case No. 26 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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