

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69969 of 2018

Arising Out of PS. Case No.-159 Year-2018 Thana- SIMRI District- Buxar

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1. Ram Bachan Gond, Son of Late Bhagwat Gond,
 2. Shiv Bachan Gond, Son of Late Bhagwat Gond,
 3. Mutani Devi, W/o Ram Bachan Gond, All are resident of Village- Barka Sighanpura, P.S.- Simri, District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta

For the Opposite Party/s : Mr. Rajkishore Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-12-2018 Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363,366(a), 120B and 504 of the IPC.

The prosecution case got initiated with the written report dated 13.7.2018 of Munna Choudhary submitted to the SHO, Simri Police Station is to the effect that on 9.7.2018 at 9 A.M., the daughter of the informant namely Suman Kumari, aged 14 years went to school but did not return. Thereafter, on search being made it was found that co-accused Panchratna Gond kidnapped the informant with intention to marry with her. When the informant went to his house to enquire about his daughter then the parents of co-accused Panchratna Gond who are petitioners before this Court, not only abused but threatened the informant.



It is submitted by learned counsel for the petitioners that for the occurrence of 9.7.2018, the written report was submitted on 13.7.2018. As per the accusation in the FIR, no offence under Sections 363 or 366A of the IPC is made out against the petitioners. The thrust of accusation is against co-accused Panchratna Gond. It is further submitted that in the statement under Section 164 Cr.P.C., the victim girl has got her age recorded as 14 years and the court has also assessed her age as such, and the victim not named the petitioners in the said statement.

Learned counsel for the informant submits that the petitioners are named in the FIR with specific accusation.

Considering the delayed lodging of the FIR, the accusation of kidnapping not being levelled against the petitioners and the thrust of accusation is against co-accused Panchratna Gond, coupled with the fact that in the statement under Section 164 Cr.P.C., the victim has not named the petitioners, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM,- IV, Buxar in connection with Simri P.S. Case No. 159 of 2018



subject to the conditions laid down in Section 438(2) of the
Cr.P.C.

(Dinesh Kumar Singh, J)

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