

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42140 of 2018

Arising Out of PS. Case No.-226 Year-2017 Thana- CHIRAIYA District- East Champaran

1. Malti Devi w/o Jhagru Sahani
2. Jhagru Sahani S/o late Ganesh Sahani both are residents of village - Jhitkashiya, P.S. - Lakhaura, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey
For the Opposite Party/s : Mr. Sri Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 20-07-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Chiraiya P.S. Case No. 226 of 2017 arising out of Complaint Case No. 242 of 2017 dated 02.08.2017 instituted for the offences under Sections 342, 313 and 120B of the Indian Penal Code.

The petitioners are the parents of the informant of this case. The informant is one Nitu Devi, who of her own volition had married somebody in Nepal. The aforesaid marriage was not acceptable to the petitioners and therefore the informant was brought back from the custody of her husband and in-laws. It is in this context that the daughter of the petitioners / informant has alleged that the petitioners have conspired



and have caused the abortion of the informant.

Mr. Pramod Kumar Pandey, learned Advocate appearing on behalf of the petitioner has however submitted that the informant, during the period while she was a minor was taken away by the accused persons. For the aforesaid act of kidnapping of their daughter, they had preferred a case way back in the year 2016 with the allegation of kidnapping and charges under the provisions of POCSO Act, 2012.

However, because of the insistence of the informant of her continuing with her relationship with her husband and in-laws, she was directed by a court of law to go to the company of her husband.

Because of the earlier case having been lodged by the petitioners against the husband and in-laws of the informant, the present case has been managed to be instituted by the daughter of the petitioners at the instance of her in-laws.

The petitioners now do not have any alliance with her daughter, who is living happily with her husband in Nepal. It has further been submitted that even the allegation of causing abortion is not directly on the petitioners.

Regard being had to the aforesaid fact that the petitioners are none-else but the parents of the



informant and the informant now is living happily with her husband at Nepal, they 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 A.C.J.M., Dhaka, Motihari in connection with Chiraiya P.S. Case No. 226 of 2017, arising out of Complaint Case No. 242 of 2017, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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