

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17468 of 2018

Arising Out of PS.Case No. -157 Year- 2017 Thana -SHANKARPUR District- MADHEPURA

- =====
1. Rukmani Devi, W/o Pradeep Kumar,
 2. Ashok Yadav S/o Late Dukha Yadav,
 3. Sanjeev Kumar @ Sanjeev Yadav S/o Late Dukha Yadav, All R/o Village- Jharkaha, P.S.- Shankarpur, District- Madhepura.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

2 16-04-2018 Heard the learned counsel for the petitioners, the learned A.P.P. for the State as also the learned counsel for the informant.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Shankarpur P.S. Case No. 157 of 2017 for the offences punishable under sections 366 A and 34 of the I.P.C.

Allegedly, the petitioners and other co-accused named in the FIR along with four unknown came with arm and kidnapped the daughter, aged 12 years, of the informant and fled away.

Submission is of false implication and that the statement of the victim girl has been recorded under section 164 of the Cr.P.C, certified copy of which is filed herewith and from perusal of that statement it is apparent that the victim girl was not



kidnapped rather she fled away out of her own will and has performed marriage with co-accused Pradeep Kumar on 15.12.2017, she has stated her age 19 years but the learned A.C.J.M. has recorded her age as 16 years, the petitioners have got no concern with the said occurrence and as such they deserve sympathetic consideration.

The learned A.P.P. fairly submits that the victim girl has not supported the allegation of kidnapping, but the learned counsel for the informant opposes prayer for pre-arrest bail by submitting that the victim girl is minor and co-accused Pradeep Kumar is married one and again he performed marriage with the minor girl.

In the facts and circumstances stated above, considering the statement of the victim girl recorded under section 164 of the Cr.P.C, the petitioners, in case of their arrest or surrender within a period of four weeks from the date of receipt/production of a copy of this order, shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of A.C.J.M, Madhepura in connection with the aforementioned case, subject to the conditions as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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