

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19712 of 2018

Arising Out of PS. Case No.-103 Year-2016 Thana- HARLAKHI District- Madhubani

-
1. Shyama Kumari @ Shyama Devi @ Shyama Kumari Devi, W/o- Shyam Yadav,
 2. Dilip Kumar Yadav @ Dilip Yadav, S/o- Bharoshi Yadav, Both R/o- Village- Chhatauni, P.S.- Basopatti, District- Madhubani.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar

For the Opposite Party/s : Mr. Sri Satyadev Prasad Singh Yadav

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 05-04-2018 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363 and 366(A)/34 of the IPC.

The prosecution case, as per the written report of Prahalad Thakur dated 25.06.2016, addressed to Station House Officer, Harlakhi Police Station is to the effect that on 22.06.2016, the informant and his son went to Jaipur, in the meantime, the 17 year old daughter of the informant was taken by co-accused Arvind Kumar Yadav and petitioner no.2, Dilip Kumar Yadav on the pretext of obtaining the intermediate certificate and when the daughter of the informant did not return in the evening, then on enquiry, it was found that at the behest of petitioner no.1,



Shyama Kumari, who is the mother of co-accused Arbind Kumar, the victim has been kidnapped, with the intent of getting her married.

It is submitted by learned counsel for the petitioners that thrust of accusation is against co-accused Arvind Kumar Yadav. The petitioners have been roped in the present case simply because they are the mother and friend of co-accused Arvind Kumar Yadav, respectively. The victim in her statement, recorded under Section 164 Cr. P.C., has named only Arvind Kumar Yadav and not named the petitioners. Co-accused Arvind Kumar Yadav has been granted privilege of anticipatory bail by co-ordinate Bench of this Court, vide Cr. Misc. No. 48600 of 2016 on the ground that the victim was noticed by the learned Sessions Judge while hearing the anticipatory bail application where the victim stated that she of her own married with co-accused Arvind Kumar Yadav, though, subsequently, the victim in her statement, recorded under Section 164 Cr. P.C., retracted from her initial version and implicated co-accused Arvind Kumar Yadav. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that accusation of kidnapping the



daughter of the informant is also levelled against the petitioners.

Considering the thrust of accusation against co-accused Arvind Kumar Yadav, who has been granted privilege of anticipatory bail, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Benipatti, Madhubani in connection with Harlakhi P.S. Case No. 103 of 2016, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

