

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4331 of 2019

Arising Out of PS. Case No.-398 Year-2018 Thana- BARH District-

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1. Sharwan Mahto S/o Shanban Mahto
 2. Sobha Devi W/o Sharban Mahto Resident of Village- Badh Kachhari Chak
P.S.- Badh, District- Patna
 3. Rohit Kumar S/o Sharwan Mahto Resident of Village- Badh Kachhari Chak
P.S.- Badh, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ansul
For the Opposite Party/s : Mr.Lalan Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 28-01-2019 Heard both sides.

The petitioners apprehend their arrest in Barh P.S. case No. 398 of 2018 registered under Section 363/366A of the Indian Penal Code.

The mother of the victim alleged that when she and her husband returned to her house after marketing she did not find her minor daughter in the house. She enquired from her son, who disclosed that Raju Kumar and his two brothers, Rohit Kumar and Kaju Kumar, were talking with victim and the victim went to see them.

The learned counsel for the petitioners submits that petitioners are father, mother and brother of Raju Kumar. The victim made her statement under Section 164 of the Cr. P. C. She disclosed that she voluntarily left her house and solemnized marriage with Raju Kumar. The statement of victim was recorded on 02.01.2019 but prayer of petitioners for anticipatory



bail was rejected on 22.12.2018 by the learned Additional Sessions Judge, therefore, this fact could not be taken note of by the learned Additional Sessions Judge. On perusal of the statement of victim, it appears that she is major and she disclosed that she herself went with Raju Kumar and solemnized marriage. The victim did not even name the petitioners, who are father, mother and brother of Raju Kumar.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/ production of a copy of this order are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Barh in connection with Barh P.S. Case No. 398 of 2018, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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