

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5073 of 2019

Arising Out of PS. Case No.-61 Year-2018 Thana- ANGARGHAT District- Samastipur

1. Manish Kumar age 24 year (Male), S/o- Ram Naresh Rai R/v- Tajpur Morwa, P.S.- Tajpur District- Samastipur
2. Manish Kumar age 22 years (M), S/o- Surendra Rai @ Shailendra Rai, R/V- Harpur, Rewari, P.S.- Angarghat, District- Samastipur.
3. Lalita Devi @ Latiya Devi age 42 years (F), W/o- Surendra Rai, R/V- Harpur, Rewari, P.s.- Angarghat, District- Samastipur.
4. Usha Devi age 40 years (F), W/o- Jalandhar Rai, R/V- Harpur, Rewari, P.S.- Angarghat, District- Samastipur.
5. Krishna Devi age 45 years (F), W/o- Upendra Rai @ Opindra Rai All are R/V- Harpur, Rewari, P.S.- Angarghat, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar

For the Opposite Party/s : Mr. Mukeshwar Dayal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 30-01-2019 Heard learned Counsel for the petitioners and learned
APP for the State.

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

The prosecution case as per the written report of Ram Kishor Rai submitted to SHO, Angarghat Police Station is to the effect that on 28.09.2018 at about 8.00 P.M., the minor daughter of the informant, Munni Kumari went outside the house to ease, but she did not return back, thereafter search was made by the informant and the informant came to know that she has been



taken away by petitioner no. 1, Manish Kumar, son of Ram Naresh Rai, petitioner no. 2, Manish Kumar, son of Surendra Rai, petitioner no. 3, Lalita Devi, mother of petitioner no. 2, petitioner no. 4, Usha Devi, and petitioner no.5, Krishna Devi, both aunts of petitioner no.1.

It is submitted by learned counsel for the petitioners that the birth certificate issued by Government of Bihar, as contained in Annexure-2, suggests that the date of birth of the minor girl of the informant as 27.01.2000, hence she was major at the date of occurrence. It is further submitted that in 164 Cr. P.C. statement recorded under Section 164 of the Cr.P.C. she has got her age recorded as 18 years whereas the Court has assessed her age as the same. In the statement, the victim has further stated that she went on her own with co-accused Manish Kumar on 28.09.2018 and has performed marriage with him at Morva Temple. She has further stated that nobody had forced her to go there, she went there on her will. A statement has been made in paragraph no. 3 of the petition that the petitioners are not having any criminal antecedent

It is submitted by learned APP for the State that the accusation is specific against all the petitioners.

Considering the fact that the statement recorded under



Section 164 of the Cr. P.C. not only suggests that the victim is major, but also clouds the entire prosecution case, coupled with statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, 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-2nd, Dalsingsarai, Samastipur** in connection with **Angarhat P.S. Case No.61 of 2018**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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

