

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19405 of 2019

Arising Out of PS. Case No.-275 Year-2018 Thana- UCHKAGAON District- Gopalganj

1. Dipak Kumar @ Dipak Kumar Singh, Son of Late Amla Singh, Resident of Village - Markatiya, P.S.- Uchakagaon, District- Gopalganj
2. Drupati Devi, Wife of Late Amla Singh, Resident of Village - Markatiya, P.S.- Uchakagaon, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shyama Kant Singh

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-04-2019 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 363, 366A and 120B of the Indian Penal Code.

The prosecution case as per the written report of Khubsu Nesha submitted to the Station House Officer of Uchakagaon Police Station is to the effect that on 18.10.2018 at 6.00 P.M. the minor daughter of the informant, Rukhsana Khatoon went to walk on the road and thereafter, she went traceless. During search, the informant came to know that she has been enticed away by co-accused Lukky Kumar, Vikash



Kumar, Dipak Kumar, petitioner no. 1 and Drupati Devi, petitioner no. 2, mother of petitioner no. 1. When the informant went to the guardians of the accused persons then they threatened to assault him.

It is submitted by learned counsel for the petitioners that in the statement recorded under Section 164 Cr.P.C., the victim has got her age recorded as 20 years when the Court has assessed has age as 19 years and where she has further stated that she has performed marriage with one Lukky and she is residing happily with him and she has not named the petitioners. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation is specific against the FIR but he concedes that the victim has not named the petitioners in the statement recorded under Section 164 of the Cr.P.C.

Considering the fact that the Court has assessed the victim as a major and the statement of the victim under Section 164 Cr.P.C. wherein she has stated that she has performed marriage with Lukky and has not named the petitioners, coupled with the statement made in paragraph 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 twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate IX, Gopalganj in connection with Uchakagaon P.S. Case No. 275 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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