

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24178 of 2019

Arising Out of PS. Case No.-153 Year-2018 Thana- BAUSI District- Araria

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1. Suman Kumar Pandit @ Santosh Kumar S/o Shivnath Pandit Resident of Village- Garha Ward No. 8, P.S. and District- Araria.
 2. Fulwati Devi W/o Shivnath Pandit Resident of Village- Garha Ward No. 8, P.S. and District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhijeet Gautam

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 17-04-2019 Heard both sides.

Petitioners apprehend their arrest in Bausi P.S. Case No.153 of 2018 registered under Sections 363, 365, 366A, 120(B) and 34 of the Indian Penal Code.

The informant alleged that his daughter had gone out from her house to provide gunny bags for filling paddy but she did not come and became traceless. During course of search, the informant came to know that Rupesh Kumar Pandit, Suman Kumar Pandit and others enticed away his daughter for the purpose of marriage after changing her religion or to kill her.

Learned counsel for the petitioners submits that the petitioners are elder brother and mother of Rupesh Kumar



Pandit. When the informant came to the house of petitioners, the petitioners were found in their house. A panchayati was held. All the family members of Rupesh Kumar Pandit assured the informant for recovery of the daughter of the informant but it does not mean that the petitioners participated in kidnapping of the daughter of informant. The daughter of informant is a major girl. It is submitted that she might have fled away along with Rupesh Kumar Pandit out of her free will to solemnize marriage. Rupesh Kumar Pandit is still traceless. It is further submitted that Bibi Sohana Khanam filed Cr.W.J.C. No.509 of 2019. She admitted that she is lawfully living with Rupesh Kumar Pandit. Since she being a member of minority community, she apprehends danger of her life at the hands of her parents. The Division Bench of this Court vide order dated 25.03.2019 dismissed the criminal writ petition holding that the marriage of two persons belonging to different communities can be legalized only by a registered marriage under Special Marriages Act.

Having considered the facts that the victim left her house out of her free will and she is living with Rupesh Kumar Pandit and the victim is a major, the above named petitioners, 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 bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M. V, Araria in connection with Bousi P.S. Case No.153 of 2018, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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