

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29835 of 2019

Arising Out of PS. Case No.-82 Year-2019 Thana- MUFFASIL District- West Champaran

1. Mandakini Devi, Aged about 45 years, Female, W/o Manshi Prasad, R/o village Nurakhap, Nayatola, P.S. Bettiah (Muffasil), District West Champaran
2. Manshi Prasad, Aged about 50 years, Male, S/o Late Bhola Prasad, R/o village Nurakhap, Nayatola, P.S. Bettiah (Muffasil), District West Champaran
3. Rajesh Prasad, Aged about 35 years, Male, S/o Late Bhola Prasad R/o village Nurakhap, Nayatola, P.S. Bettiah (Muffasil), District West Champaran
4. Suganti Devi, Aged about 30 years, Female, W/o Rajesh Prasad R/o village Nurakhap, Nayatola, P.S. Bettiah (Muffasil), District West Champaran

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Md. Matloob Rab

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-05-2019 Heard Mr. Bimlesh Kumar Pandey, the learned counsel for the petitioners, the learned Additional Public Prosecutor for the State and Mr. Ravish Mishra, the learned counsel appearing on behalf of the informant.

Petitioners apprehend their arrest in Bettiah Muffasil P.S. Case No.82 of 2019, registered under Sections 366 (A), 504 and 34 of the Indian Penal Code and under Section 08 of the POCSO Act.

The informant, father of the victim, alleged that on



03.02.2019 at about 7 in the evening, Suganti Devi, petitioner no.4 came to his house and took her minor daughter to her house but after sometime, the informant saw Baliram Kumar taking his daughter on a motorcycle but his daughter did not return. On enquiry, Suganti Devi disclosed that she may return in the night but when the daughter of the informant did not return, the informant lodged the case.

Learned counsel for the petitioners submits that there is no allegation against Mandakini Devi, petitioner no. 1, Manshi Prasad, petitioner no.2 and Rajesh Prasad, petitioner no.3. The informant made allegation against petitioner no.4, Suganti Devi that she took his daughter to her house but the informant himself further alleged that he saw his daughter going along with Baliram Kumar on a motorcycle. The victim was recovered and the victim made her statement under Section 164 Cr.P.C., Annexure-2. She disclosed that she voluntarily left her house and went along with Baliram Kumar. She further disclosed that she solemnized marriage in a temple and she was willing to live with her husband. The victim disclosed her age to be 20 years. It is submitted that in this view of the fact, the petitioners are not at all responsible for the act of kidnapping rather the victim herself denied the factum of her kidnapping.



On the other hand, the learned counsel for the informant as well as the learned Additional Public Prosecutor opposed the prayer for grant of anticipatory bail and submit that the victim was minor on the date of occurrence. According to School Transfer Certificate the date of birth of the victim was 3rd April, 2004 and on the date of occurrence, the victim was minor about 14 years. It is further submitted that the petitioners also connived with Baliram Kumar in kidnapping the victim.

Having considered the submissions of both sides and on perusal of the record, it appears that the informant saw Baliram Kumar taking his daughter on a motorcycle. None else was accompanying Baliram Kumar while taking away the victim on his motorcycle. Of course the informant alleged that Suganti Devi took his daughter to her house but Suganti Devi happens to be the neighbour of the informant and this fact does not show that Suganti Devi also participated in the kidnapping of the victim girl. Moreover, the victim herself denied the factum of her kidnapping and she very categorically disclosed that she left her house and went along with Baliram Kumar. She also solemnized marriage with Baliram Kumar in a temple and she was willing to live with her husband.

Considering the facts aforesaid, let petitioners, above



named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail 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 Additional District and Sessions Judge-1st-cum-Special Judge, Bettiah, West Champaran in connection with Bettiah Muffasil P.S. Case No.82 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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