

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35870 of 2019

Arising Out of PS. Case No.-239 Year-2018 Thana- KATRA District- Muzaffarpur

1. BIRENDRA BIHARI @ MUNNA S/o Sri Hemant Sahni.
2. Ram Babu Sah S/o Mahaveer Sah both Resident of Village- Katai, P.S.-
Katra, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Verma
For the Opposite Party/s : Mr.Anish Chandra

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-08-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

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

Prosecution case in short is that the accused persons
forcibly abducted the daughter and niece of the informant.

It has been submitted on behalf of the petitioners that
they are innocent, not named in the F.I.R. and has been falsely
implicated in the present case.

Learned A.P.P. for the State has submitted that the
victim girl Nitu Kumari in her statement under Section 164
Cr.P.C. has disclosed her age to be 15 years whereas the learned



Magistrate who recorded her statement has also assessed her age to be 15 years. She has clearly stated the name of Munna, Rambabu (petitioner no. 2), Radha, Ragini, Kamal Chaudhary forcibly got her seated on a motorcycle and kept her confined in a room at Mahua. Similarly, another victim girl Priti Kumari in her statement under Section 164 Cr.P.C. did not disclose her age but the learned Magistrate who recorded her statement under Section 164 Cr.P.C. assessed her age to be 13 years.

Considering the facts and circumstances of the case, I am not inclined to enlarge the petitioners on anticipatory bail. Accordingly, their payer for anticipatory bail is rejected in connection with Katra P.S. Case No. 239 of 2018 pending before the court of the learned Additional Chief Judicial Magistrate-14th, Muzaffarpur.

Accordingly, the application is dismissed.

(Anjani Kumar Sharan, J)

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