

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.69023 of 2018

Arising Out of PS. Case No.-228 Year-2018 Thana- MUZAFFARPUR TOWN District-
Muzaffarpur

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1. Reena Devi wife of Vijay Mahto
 2. Moni Kumari D/o Vijay Mahto
 3. Monu Kumar S/o Vijay Mahto All resident of Mohalla-Chandwara, Church Road, inside of Gandak Bandh, P.S. Ahiyapur, Distt.-Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Sri Satyavarat Verma

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 25-01-2019 The petitioners seek bail in anticipation of their arrest in connection with Muzaffarpur Town P.S. Case No. 228 of 2018 dated 04.04.2018 instituted for the offences under Section 363 of the Indian Penal Code.

The informant has alleged that his eleven years old daughter has disappeared and no trace of her could be found.

During the course of investigation, the victim surfaced and gave her statement under Section 161 Cr.P.C stating that she had gone to her aunt's house (maternal sister) for some time and while she was being brought back home, she was arrested by the Police. However, in her 164



Cr.P.C statement, she has raised allegation that she was kidnapped/abducted by all the petitioners.

It would be necessary to state that petitioner No. 1 is the aunt of the victim girl whereas petitioner Nos. 2 and 3 are daughter and son of petitioner No. 1.

What has further been found out during the course of investigation is that the informant has married again and the victim was residing with him and not with her mother. The mother of the victim also has remarried and is leading a happy married life. It appears that familial relationship between the parties continued and precisely for this reason, the victim was asked by her own mother to come over to her aunt's house from where she was being taken to the house of her father. However, on the way, she was intercepted.

In this background, the contents of the statement made by her before a Magistrate under Section 164 Cr.P.C appear to have been made only after some kind of tutoring or the pressure by her father/informant.

In any view of the matter, the petitioners are directly related to the victim girl who all may not have meant



any harm to her. If the intention was to abduct/kidnap, no attempt would have been made to bring the victim girl back to her father's house.

Regard being had to the aforesaid facts, the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of four weeks from today, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/-(Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Muzaffarpur Town P.S. Case No. 228 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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