

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43415 of 2019

Arising Out of PS. Case No.-217 Year-2018 Thana- GORIAKOTHI District- Siwan

1. PARMILA DEVI @ URMILA DEVI Wife of Anil Kumar Resident of Village - Mahammadpur, P.S.- Goreakothi, District - Siwan
2. Kanti Devi Wife of Bikaram Mahto Resident of Village - Mahammadpur, P.S.- Goreakothi, District - Siwan
3. Bikaram Mahto @ Bikrama Mahto Son of Late Gena Mahto Resident of Village - Mahammadpur, P.S.- Goreakothi, District - Siwan
4. Nisha Devi Wife of Sanjay Kumar Resident of Village - Mahammadpur, P.S.- Goreakothi, District - Siwan
5. Rita Devi Wife of Ashok Mahto Resident of Village - Mahammadpur, P.S.- Goreakothi, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Pandey
For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-07-2019 Heard learned Counsel for the petitioners and
learned Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Goreakothi Police Station Case No. 217 of 2018, disclosing offences under Sections 363/366A/34 of the Indian Penal Code.

The allegation against the petitioners, as per the First Information Report, is that on the date of occurrence, while the victim had gone to attend the nature's call and when she did not



return, the informant started searching and came to know that co-accused Sunil Kumar, has abducted the victim girl with the help of his family members.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case and the First Information Report has been lodged after a delay of about 11 days, having no explanation thereof. He submits that from perusal of the First Information Report, it is apparent that co-accused Sunil Kumar has abducted the victim girl for the purpose of marriage. He accordingly submits that there appears to be love affairs between the victim girl and co-accused Sunil Kumar. He further submits that the victim girl was recovered and her statement was recorded under Section 164 of the Code of Criminal Procedure, 1973, in which she has alleged that the petitioners had only gone to meet Sunil Kumar, where the victim girl was kept after her abduction. He further submits that the petitioner are mother, father, sisters and brother of co-accused Sunil Kumar and from the medical report, the age of the victim girl has been assessed to be 18-19 years.

After having heard learned Counsel for the parties and taking into consideration the fact that the victim girl has been recovered and the petitioners are family members of co-accused



Sunil Kumar, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released 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 Additional 7th Additional Sessions Judge, Siwan, in connection with Goreakothi Police Station Case No. 217 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioner shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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