

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.59921 of 2018

Arising Out of PS. Case No.-215 Year-2018 Thana- HARNAUT District- Nalanda

-
1. Asha Devi W/o Om Singh
 2. Om Singh S/o Jai Chandra Singh
 3. Birbal Kumar @ Nishet Kumar @ Birwal S/o Om Singh
- All are resident of village-Birampur, P.S. Harnaut, District-Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Bhaskar Shankar
For the Opposite Party/s	:	Smt. Anita Kumari Singh
		Mr. Satya Prakash

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 29-01-2019 Heard learned counsel for the petitioners, learned
A.P.P. and learned counsel for the informant.

The petitioners apprehend their arrest in Harnaut P.S.
Case No.215 of 2018 registered under Sections 366(A) and 34
of the Indian Penal Code.

The brother of the victim narrated the story that on
10.07.2018, his sister, aged about 14 years, had gone to Harnaut
market but she did not return till 9 P.M. On inquiry, it transpired
that Rahul Kumar with the help of the petitioners enticed away
the sister of the informant.

The learned counsel for the petitioners submits that
the petitioners are mother, father and brother of Rahul Kumar.
When the sister of the informant became traceless, the informant



came to the house of the petitioners to inquire, on such, the petitioners disclosed that Rahul Kumar had gone to Bhopal. The petitioners did not assist Rahul Kumar in enticing the victim. Rahul Kumar was imparting tuition to the victim and they developed love affairs. Victim herself fled away from the house and went along with Rahul Kumar and both solemnised marriage.

Learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submitted that witnesses have stated in para 5, 6, 7, 8 and other paragraphs of the case diary that the petitioners helped Rahul Kumar in enticing the sister of the informant.

On perusal of the F.I.R. and the case diary, it appears that informant is not an eye witness of the occurrence. Nobody has seen the petitioners helping Rahul Kumar in enticing the victim. Witnesses suspected that petitioners being mother, father and brother of Rahul Kumar might have helped in enticing the victim and it appears that Rahul Kumar being a teacher was imparting tuition to the victim and they developed love affairs and fled away from their house and solemnised marriage.

Considering the aforesaid facts, let the 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 the order, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Bihar Sharif in connection with Harnaut P.S. Case No.215 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Saurabh/-

U		T	
---	--	---	--

