

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72807 of 2018**

Arising Out of PS. Case No.-377 Year-2018 Thana- BIHTA District- Patna

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1. Priya Kumari, D/o Krishna Saw @ Krishna Sonar,
 2. Baby Devi, W/o Krishna Saw @ Krishna Sonar,
 3. Rajni Gupta, D/o Krishna Saw @ Krishna Sonar, All resident of Village- Patut, Police Station- Rani Talab, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ram Tujabh Singh, Advocate
for the informant	:	Mr. Dronachary, Advocate
		Mr. B.V. Pandey, Advocate
For the State	:	Mr. Dashrath Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

6 01-07-2019 Heard learned counsel for the petitioners, learned counsel appearing on behalf of the informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bihta P.S. Case no. 377 of 2018, registered under Sections 363 and 366(A)/34 of the Indian Penal Code.

The accusation is that on 04.04.2018 at 7.00 A.M., daughter of the informant, aged about 15 years, moved from her house to attend the coaching centre, but she did not return. Thereafter, informant Sanha No. 214 of 2018 had been written on 06.04.2018. In course of search, informant came to know that petitioner No.1 Priya Kumari, friend of her daughter, along with her sister, brother Rahul Kumar and Amit Kumar enticed



away her daughter. Thereafter, she went to the house of Priya Kumari, who told that her daughter will not return as she was being tortured at her house. Thereafter, on 14.04.2018 informant talked on mobile of Amit Kumar to know about her daughter then she was managed to talk her daughter and came to know that her daughter is at Mugalsarai Railway station. The informant raised suspicion regarding kidnapping of her daughter by the Amit Kumar with the help of other family members.

Learned counsel for the petitioners submits that the statement of victim has been recorded under Section 164 of the Cr.P.C. in which she has stated that Amit Kumar, brother of Priya Kumari (petitioner No.1) called her for visiting of Patna. Thereafter, she left the house without giving information to her parents and returned at her house. On, 03.04.2018 family members of Priya Kumari (petitioner No.1) asked to do what they advised otherwise her grand maternal uncle and maternal uncle will be killed. Thereafter, on 9th April, 2018, Priya Kumari, her mother, sister and Santosh asked her to come Patna. When she reached at Patna, she was brought to Mugalsarai Station by the Priya Kumari (petitioner No.1), her sister and mother, where she called Amit, who came and accompanied her at Bhabua, Amit, Santosh and father of Amit committed rape there, as she stayed there till 14th June, 2018. Thereafte

eached at Aligarh and met to Harshit



Rastogi, who accompanied her to his house and also visited several places with his family and she was apprehended by the Police at Bareli and brought to Bihta on 10.11.2018. Further submission is that, in fact, daughter of the informant left the house according to her sweet will and she was apprehended by the Police at Bareli, but on the instruction of her father she gave her statement creating different story. Moreover, the allegation of rape is only against Amit, Santosh and father of Amit. Further submission is that petitioners have falsely been implicated in this case as they are sisters and mother of Amit Kumar. The petitioner have no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Chief Judicial Magistrate-1st, Danapur, Patna in connection with Bihta P.S. Case No. 377 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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