

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.51714 of 2019

Arising Out of PS. Case No.-131 Year-2019 Thana- NAUTAN District- West Champaran

1. NIRAJ SAH @ NIRAJ KUMAR SAH, aged about 19 years, Male, S/O Dhondha Sah R/O Khadda Bangal Tola P.S. Nautan, Dist- West Champaran
2. Dhondha Sah, aged about 45 years, Male, S/O Mahendra Sah R/O Khadda Bangal Tola P.S. Nautan, Dist- West Champaran
3. Santi Devi, aged about 40 years, Female, W/O Dhondha Sah R/O Khadda Bangal Tola P.S. Nautan, Dist- West Champaran ... Petitioners

Versus

The State of Bihar

... Opposite Party

Appearance :

For the Petitioners : Mr. Dhannjay Kumar No 2, Adv.

For the Opposite Party : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 20-08-2019

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the state.

The petitioners seek pre-arrest bail in connection with Nautan P.S. Case No. 131 of 2019 for the offences alleged under Sections 363, 366A and 34 of the Indian Penal Code.

The accusation is that the informant, Most. Najma Khatoon, along with her daughter, aged about 13 years, slept in the house after taking meal. In the mid night the daughter of the informant left the house for attending the call of nature and did not come house. In the morning, the informant also came to know that her daughter left the house with Rs.50,000/-. The informant raised suspicion against the petitioner having hand in the kidnapping of her daughter.

Learned counsel appearing for the petitioners submits that in fact daughter of the informant left the house on her own sweat will and went with Niraj Kumar Shah (petitioner no. 1) to Delhi where they



performed marriage in the Arya Samaj Mandir. The daughter of the informant in her statement under Section 164 of the Criminal Procedure Code has stated she had not been kidnapped and on her own sweat will performed the marriage with the petitioner no. 1. The age of the daughter of the informant in medical examination is also assessed in between 17 to 19 years.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioners, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Nautan P.S. Case No. 131 of 2019 shall be released on pre-arrest bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, West Champaran at Bettiah, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

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