

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56402 of 2019

Arising Out of PS. Case No.-152 Year-2019 Thana- BAKHTIARPUR District- Saharsa

1. MAHESHWAR MEHTA @ KABAY DAS Son of Jaylal Mehta, Resident of Village- Bhora, P.S.- Bakhatiyarpur, District- Saharsa.
2. Tuliya Devi Wife of Maheshwar Das, Resident of Village- Bhora, P.S.- Bakhatiyarpur, District- Saharsa.
3. Sanjeet Kumar Mehta Son of Maheshwar Mehta @ Kabay Das, Resident of Village- Bhora, P.S.- Bakhatiyarpur, District- Saharsa.
4. Rahul Kumar Mehta @ Rahul Kumar Son of Chhote Lal Mehta, Resident of Village- Bhora, P.S.- Bakhatiyarpur, District- Saharsa.
5. Chhote Lal Mehta Son of Late Kalar Mehta, Resident of Village- Bhora, P.S.- Bakhatiyarpur, District- Saharsa.
6. Jageshwar Mehta @ Nageshwar Mehta Son of Late Kalu Mehta, Resident of Village- Kamalpur, P.S.- Ghailadh, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Subesh Sharma

For the Opposite Party/s : Mr.Syed Ehteshamuddin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 11-09-2019 Heard both sides.

Petitioners apprehend their arrest in Bakhtiyarpur
(B.K.P.) P.S. Case No.152 of 2019 registered under Sections
363, 366A and 34 of the Indian Penal Code.

The informant (father of the victim) disclosed that his
daughter became traceless and during course of search, the
informant came to know that Rohit Kumar, his father
Maheshwar Mehta and other family members kidnapped his



daughter.

Learned counsel for the petitioners submits that the occurrence took place on 01.04.2019 but the F.I.R. was lodged on 12.04.2019 on the written application dated 03.04.2019. The victim made her statement under Section 164 of the Cr.P.C. on 29.07.2019 and she disclosed that Rohit Kumar, his friends Mangal Kumar Mehta, Rajdeep Yadav, Mannu Kumar Das and Subhash Das forcibly kidnapped her and took her to the house of maternal uncle of Rohit Kumar where she was forcibly married with Rohit Kumar. It is further submitted that Sanjeet Kumar Mehta (petitioner no.3), who happens to be the brother of Rohit Kumar, has also been named by the victim alleging that when she returned to the house of Rohit Kumar, his brother Sanjeet Kumar Mehta and others assaulted her. It is further submitted that the victim did not make allegation that the petitioners kidnapped her. Of course, the age of the victim is 16 years but the victim moved all around with Rohit Kumar and she did not raise any objection. This fact shows that the victim was a consenting party and she married with Rohit Kumar.

Having considered the facts that the petitioners are father, mother and other relatives of Rohit Kumar and even the victim has not named the petitioners in her statement recorded



under Section 164 of the Cr.P.C. as kidnappers, whereas the victim has made allegation that Rohit Kumar, Mangal Kumar Mehta, Rajdeep Yadav, Mannu Kumar Das and Subhash Das forcibly kidnapped her and took her to the house of maternal uncle of Rohit Kumar where she was forcibly married with him, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 C.J.M., Saharsa in connection with Bakhtiyarpur (B.K.P.) P.S. Case No.152 of 2019, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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