

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68458 of 2019

Arising Out of PS. Case No.-105 Year-2019 Thana- DIGHWARA District- Saran

1. SRI BHAGWAN MANJHI Son of Late Dharamnath Manjhi Resident of Village - Ishupur, P.S.- Dighwara, Distt.- Saran.
2. Sharwan Manjhi Son of late Dharamnath Manjhi Resident of Village - Ishupur, P.S.- Dighwara, Distt.- Saran.
3. Ishwarchand Manjhi @ Ishwarchandra Son of Shrikhagwan Manjhi Resident of Village - Ishupur, P.S.- Dighwara, Distt.- Saran.
4. Poonam Kumari D/o Sharwan Manjhi Resident of Village - Ishupur, P.S.- Dighwara, Distt.- Saran.
5. Nitu Kumari D/o Sharwan Manjhi Resident of Village - Ishupur, P.S.- Dighwara, Distt.- Saran.
6. Jai Kumar Manjhi Son of Dharamnath Manjhi Resident of Village - Ishupur, P.S.- Dighwara, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. B. N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-11-2019 Heard both sides.

The petitioners apprehend their arrest in Dighwara P.S. case No. 105 of 2019 registered under Section 363/366A/34 of the IPC.

The father of the victim made allegation that Poonam Kumari and Nitu Kumari took her daughter for the up-date of bank pass book but her daughter did not return. During the course of search the informant came to know that the accused



persons, namely, Poonam Kumari, Nitu Kumari, Sharwan Manjhi, Sri Bhagwan Manjhi, Ishwar Chand Manjhi, Arvind Kumar, Prakash Kumar, Deonath Manjhi and Lalti Devi kidnapped her daughter for the purpose of forceful marriage.

The learned counsel for the petitioners submits that the informant named altogether nine persons in the FIR out of which three persons, namely, Prakash Kumar, Arvind Kumar and Lalti Devi have already been granted anticipatory bail. The occurrence took place on 26.04.2019 but the FIR was lodged on 08.05.2019. There is inordinate delay in lodging the case and that itself creates reasonable doubt about the genuineness of the prosecution allegation. It is further submitted that the victim made her statement u/s 164 of the Cr. P. C. (Annexure-3) and from perusal of her statement it would appear that the victim did not complaint ill treatment or sexual harassment at the hands of the petitioners. From the statement of victim reason behind the kidnapping is not known but I find that in a case of kidnapping of a girl the parents of the victim usually firstly made search and does not lodge the case on account of some social stigma. It further appears that the victim although accompanied with Poonam Kumari and Nitu Kumari but she did not allege that Poonam Kumari and Nitu Kumari played any role in her



kidnapping. She disclosed that while she was coming out from the bank Sharwan Manjhi, petitioner No.2, Sri Bhagwan Manjhi, petitioner No.1, Jai Kumar Manjhi, petitioner No.6 and Inshwarchand Manjhi, petitioner No.3, forcibly got her seated in a car and took her to an unknown place and handed her over to some persons who kept her confined for many days. Again these four persons came and took her to a panchayati and only thereafter the victim was handed over to her parents. The victim appears to be a minor girl and she was kept confined for many days.

Taking into consideration the facts aforesaid, I am not inclined to enlarge petitioner No.1, Sri Bhagwan Manjhi, petitioner No.2, Sharwan Manjhi, petitioner No.3, Inshwarchand Manjhi, and petitioner No.6, Jai Kumar Manjhi, on anticipatory bail. Accordingly, their prayer for anticipatory bail is rejected.

So far as the case of Poonam Kumari, petitioner No.4, and Nitu Kumari, petitioner No.5, is concerned, they are ladies and even the victim did not complaint about their behaviour although victim accompanied them to the bank.

Considering the facts aforesaid and nature of allegation made against the petitioners No. 4 and 5, the petitioners No. 4 and 5, above named, in the event of their



arrest/ surrender before the 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 their furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in connection with Dighwara P.S. case No. 105/ 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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