

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48553 of 2018

Arising Out of PS. Case No.-196 Year-2016 Thana- RIGA District- Sitamarhi

Mahesh Rai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr. Rajkishore Singh

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 03-01-2019 Heard learned counsels for the parties.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 363,366A,372,373 and 120B/34 of the IPC.

The prosecution case as per the written report of Shekh Manish submitted to the SHO, Riga Police Station is to the effect that on 18.8.2016 at 5.20 P.M. the daughter of the informant namely Shavana Khatoon aged 19 years and on 17.8.2016 the other daughter of the informant, namely, Ravina Khatoon aged 14 years went to ease outside but did not return. During search, it was found that both the daughters of the informant have been kidnapped by co-accused Naushad Mansuri, Fulo Khatoon, Soman Mansuri, Ajim Mansuri and have got them married with the petitioner in presence of co-



accused Dular Thakur and Arun Bhagat.

It is submitted by learned counsel for the petitioner that the accusation of kidnapping is against four above named persons and some of them have been granted anticipatory bail vide Cr. Misc. Nos. 27474 of 2017, 42153 of 2017 and 8120 of 2017. It is further submitted that for the occurrence of 17.8.2016 the FIR was registered on 19.9.2016. Though in 164 Cr.P.C. statement the victim has alleged that she was forced to marry but in fact the marriage was performed with consent and till date no medical examination of the victim has been done.

Learned APP, after perusing the case diary, submits that though the victim is aged 19 years but in 164 Cr.P.C. statement she has supported the accusation of kidnapping and forceful marriage.

Considering the nature of accusation, the fact that other co-accused persons have been granted anticipatory bail, the FIR being lodged after a month of the occurrence coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like



amount each to the satisfaction of the learned CJM, Sitamarhi
in connection with Riga P.S. Case No.196 of 2016 subject to
the conditions laid down in Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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