

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4363 of 2020

Arising Out of PS. Case No.-110 Year-2019 Thana- DANDKHORA District- Katihar

1. Shambhu Rishi @ Shambhu Kumar Son of Balram Rishi Resident of Village- Bastol, P.S.- Pranpur, District- Katihar.
2. Bhikma Devi Wife of Balram Rishi Resident of Village- Bastol, P.S.- Pranpur, District- Katihar.
3. Basanti Devi @ Lalita Devi Wife of Muni Lal Rishi Resident of Village- Bharidih, P.S.- Hasanganj, District- Katihar.
4. Mitthu Rishi Son of Khokha Rishi Resident of Village- Bharidih, P.S.- Hasanganj, District- Katihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar Singh

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 341, 363, 366A and 504/34 of the Indian Penal Code.

The prosecution case as per the written report of Ramanand Mandal submitted to the Station House Officer of Dand Khora is to the effect that on 19.11.2019 at 11.00 P.M., the daughter of the informant, Putul Kumar, aged 16 years, went missing. The informant searched for her and came to know that she has been abducted by Shambhu Rishi, petitioner no. 1, with



the intent of marrying her, then the informant and other family members went to the house of petitioner no. 1 and tried to take back his daughter, when the other petitioners being the family members of petitioner no. 1 did not allow the informant to take back his daughter.

It is submitted by learned counsel for the petitioners that thrust of accusation of accusation is against petitioner no. 1 and in the statement recorded under Section 164 Cr.P.C. on 27.11.2019, the victim got her age recorded as 18 years when the court has assessed her age as 19 years, where she stated that on being faced with undue pressure, she went to the house of her sister and she has not supported the accusation of kidnapping. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the accusation is specific against the petitioners.

Considering the fact that in the statement recorded under Section 164 Cr.P.C. the victim being a major has contradicted the accusation, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be



released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Katihar in connection with Dand Khora P.S. Case No. 110 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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