

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8990 of 2020

Arising Out of PS. Case No.-281 Year-2019 Thana- FATUA District- Patna

1. RAMANAND YADAV Son of Ram Sharan Yadav Resident of Village - Rasalpur, P.S. - Fatuha, District - Saran.
2. Manoj Kumar Son of Prakash Yadav @ Prakash Singh @ Pragas Singh Resident of Village - Rasalpur, P.S. - Fatuha, District - Saran.
3. Prakash Yadav @ Prakash Singh @ Pragas Singh Son of Pyare Lal @ Pyare Singh @ Pyare Yadav Resident of Village - Rasalpur, P.S. - Fatuha, District - 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.Md. Aslam Ansari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 03-03-2020 Heard the learned counsel for the petitioners and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Fatuha P.S. Case No. 281 of 2019, registered for the offence punishable under Sections 363, 365, 34 of the Indian Penal Code and Sections 5 /6 of the Child Marriage Restraint Act.

The case of the prosecution in brief is that while the brother of the informant, namely, Kundan Kumar aged about 16 years had come out from his house for some work relating to Fatuha High School, on the alleged date and time of occurrence,



and was then returning back along with his friends, namely, Rohit Kumar and Bittu Kumar and had reached near the tempo stand, five persons had, on pistol point, forcibly made him sit in a Scorpio vehicle and thereafter, he, who is the brother of the informant, was kidnapped, whereupon the informant was informed about the incident and upon inquiry, it transpired that the petitioners herein along with others had kidnapped the victim boy for the purposes of marrying him with the daughter of the petitioner no. 1.

The learned counsel for the petitioners has submitted that since the brother of the informant is 16 years of age, Section 361 / 363 of the Indian Penal Code would not apply. It is further submitted that a bare perusal of the statement of the victim boy made under Section 164 Cr.P.C., before the learned Magistrate, would show that the victim boy has disclosed that he was kidnapped by five persons and he can recognize two of them, namely, Munga and Santosh driver, however, he admittedly does not know about the identify of the other three co-accused persons. It is further submitted that the petitioners are innocent and they have got no criminal antecedent.

I have heard the learned counsel for the parties and perused the materials on record from which it is apparent that



there is direct allegation of the petitioners having kidnapped the victim boy and the victim boy has also supported the factum of him being kidnapped for marriage, in his statement made under Section 164 Cr.PC. before the learned Magistrate. This Court further finds from the aforesaid statement of the victim boy that the factum of the said five accused persons having kidnapped the victim boy and having taken him away in a Scorpio car, whereafter the accused persons had tried to forcibly get him to solemnize marriage stands corroborated.

This Court further finds that not only Test Identification Parade is required to be undertaken, but also custodial interrogation of the petitioners is required in order to find out the truth. Hence, this Court does not find any merit in the present petition for grant of anticipatory bail, considering the seriousness and gravity of the charges levelled against the petitioners, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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