

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.17509 of 2020**

1. Jawahar Das, Son of late Bahadur Das.
2. Munni Devi, wife of Jawahar Das
Both residents of village-Bagrouli, P.S.-Sonbarsa Kachahari, District-Saharsa.
3. Sita Devi, wife of Raj Kumar Das
4. Rekha Devi, wife of Binod Das
Petitioner nos.3 and 4 are resident of village-Gandhi Path, Saharsa, P.S. &
District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Akhileshar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 23-07-2020 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners, in the present case, are seeking
anticipatory bail in connection with Saharsa Sadar P.S. Case
No.1019 of 2017 registered for the offences under Sections 363
and 366A/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that as per
the First Information Report the daughter of the informant
whose date of birth is 07.05.2002 was kidnapped and in course
of search the informant came to know that the named accused
persons had either taken her away with an intention to marry
with one Jaiki Kumar. He had apprehension that she may be



sold out or murdered.

Learned counsel submits that in course of investigation the victim girl has come back. She has stated in her statement recorded under Section 164 Cr.P.C., copy of which is enclosed as Annexure '2' in which she has stated that she had gone to the house of the Mausi of said Jaiki Kumar where his Mausi tried to convince her to go back to her house but she did not agree. Next day she came to a temple where she solemnized marriage with said Jaiki Kumar in presence of his friends, whereafter she went to the house of Mausi namely Punia Devi of said Jaiki Kumar.

Learned counsel submits that so far as these petitioners are concerned, they are the father, mother, maternal aunt and Mausi of said Jaiki Kumar. no role has been assigned to them in the alleged occurrence and in course of medical examination also the doctor has not found any kind of sexual assault though her age has been found to be below 18 years. On query raised by this Court learned counsel for the petitioner submits that although charge-sheet has been filed in this case, the petitioners have not been declared absconder as they are pursuing this matter for grant of anticipatory bail.

Learned A.P.P. for the State has though opposed the



prayer for pre-arrest bail of the petitioners, but considering the facts and circumstances of the case wherein according to the victim girl, she had gone on her own will and volition and in fact mausi of said Jaiki Kumar had tried to convince her to go back to her house but she did not agree and thereafter solemnized the marriage with said Jaiki Kumar in presence of his friends, there being no allegation that these petitioners had in any way participated in alluring or kidnapping of the victim girl and further that they are only family members of the said Jaiki Kumar who has solemnized marriage with the victim girl, let the petitioners above named in the event of their arrest or surrender within a period of six weeks from today in connection with Saharsa Sadar P.S. Case No.1019 of 2017 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any



person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

