

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81465 of 2019

Arising Out of PS. Case No.-201 Year-2019 Thana- KHODAWANDPUR District- Begusarai

1. KIRAN KUMARI W/o Bibekanand Yadav R/o village- Pusho, P.S.- Bithan, District- Samastipur.
2. Bibekanand Yadav S/o Sri Rajkumar Yadav R/o village- Pusho, P.S.- Bithan, District- Samastipur.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners : Mr. Raj Kishor Prasad, Advocate.
For the State : Mr. Rajiv Nayan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

5 14-07-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State through Video Conferencing.

The petitioners apprehend their arrest in connection with Khodawandpur P.S. Case No.201 of 2019 registered under Sections 366A/34 of the Indian Penal Code.

The accusation is that the daughter of the informant Radheshyam Chaudhary, aged about 16 years, and Gaurav Kumar alias Guddu, son of the petitioners, were classmates in Coaching Centre, Samastipur, and both families were known to each other. On 14.09.2019 in the morning, the informant was preparing to see-off his daughter at Coaching Centre, Samastipur. At that time, both the petitioners along with his son Gaurav Kumar and two others came at the house of the informant boarding on white colour Bolero vehicle



and asked the informant that they would see-off his daughter at Coaching Centre as they are going to Samastipur to see-off Gaurav. Thereafter, the daughter of the informant and his wife boarded on the said vehicle. In the way, the wife of the informant was forcibly got down from the vehicle by them and all moved from there with the daughter of the informant. Thereafter, the wife of the informant started weeping and crying whereupon the nearby people gathered there. At that time, the wife of the informant became unconscious. Thereafter, Sushil Kumar and Pankaj Chaudhary, the villagers of the informant, present there, sent the information regarding the said incident to the house of the informant. The informant raised suspicion against the petitioners and others about kidnapping of his daughter for the purpose of gang rape and indulging her in immoral traffic act.

Learned counsel for the petitioners submits that the petitioners are the parents of the co-accused Gaurav Kumar alias Guddu, who used to attend the Coaching Centre with the daughter of the informant at Samastipur. In fact, the love affair developed in between the daughter of the informant and Gaurav Kumar alias Guddu, son of the petitioners, in course of attending the Coaching Centre, and both moved from the Coaching Centre but, with an ulterior motive, the informant has lodged the present case against the petitioners and others after four days of the occurrence developing new story in the F.I.R. Further submission is that the witnesses,



Sushil Kumar and Pankaj Chaudhary, the co-villagers of the informant, in paragraphs-6 and 7 of the case diary respectively, have not claimed about seeing the occurrence of kidnapping of the daughter of the informant rather they have stated that they had seen the wife of the informant in weeping condition near the village. The petitioners have no criminal antecedents.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, 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 the Sub Divisional Judicial Magistrate, Manjhaul, Begusarai, in connection with Khodawandpur P.S. Case No.201 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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