

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85930 of 2019

Arising Out of PS. Case No.-94 Year-2018 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Nirmala Devi W/o Nagendra Paswan Resident of Village- Semra, P.S.-
Motihari Muffasil, Distt- East Champaran
 2. Sandeep Kumar Paswan S/o Nagendra Paswan Resident of Village- Semra,
P.S.- Motihari Muffasil, Distt- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Yadav S/o Ram Chalittar Rai Resident of Village- Semra, P.S.-
Motihari, Muffasil, Distt- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshuman Singh, Advocate Mr. Rakesh Kumar 1, Advocate Mr. Madhav Jha, Advocate
For the Opposite Party/s :		Mr. Ajit Kumar, A.P.P.
For the Informant	:	Mr. Uma Shankar Verma, Advocate Mr. Abhishek Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-02-2020 Heard learned counsel for the petitioners and the

learned A.P.P. for the State and learned counsel for the Opposite

Party No. 2.

The petitioners apprehend their arrest in connection
with Trial No. 2368 of 2018 arising out of Complaint Case No.
94 of 2018, in which cognizance under Sections 420, 467, 468,
471, 120(B), 371, 511 and 34 of the Indian Penal Code has been
taken by the learned Magistrate.

The allegation against the petitioners as per the



complaint is that the petitioners have produced photocopy of the school certificate of Utkarmit Bidhyalaya, Ajarwa, on 14.09.2017 before the learned Additional District Judge-I for the release of daughter of Petitioner No. 1, in which her age was mentioned as 14 years.

Mr. Anshuman, learned counsel appearing on behalf of petitioners submits that Petitioner No. 1 is mother of Petitioner No. 2. Learned counsel further submits that in fact the daughter of Petitioner No. 1, namely Pushpanjali, had eloped with the complainant Sanjay Yadav and for which FIR was lodged by the petitioner bearing Motihari P.S. Case No. 429 of 2017 against Opposite Party No. 2 and others. Learned counsel for the petitioner further submits that the daughter of Petitioner No. 1 was recovered and her statement was recorded under Section 164 Cr.P.C. in which she stated that she has performed marriage with Opposite Party No. 2 on her free will. Learned counsel for the petitioner further submits that the daughter of the Petitioner No. 1, subsequently, lodged an FIR bearing Motihari SC/ST P.S. Case No. 28 of 2018 against Opposite Party No. 2 and others alleging sexual harrasement and misbehaviour.

Mr. Uma Shankar Verma, learned counsel appearing on behalf of Opposite Party No. 2 vehemently opposes the



prayer for anticipatory bail and submits that the petitioners have committed forgery and has produced forged document of age proof before learned Additional District Judge-I, Motihari and as such they do not deserve the privilege of anticipatory bail. Learned counsel for Opposite Party No. 2 further submits that when the age certificate was produced by these petitioners before the A.D.J.-I, a Medical Board was also constituted in which the age of the daughter of Petitioner No. 1 was assessed as 17-18 years whereas the age certificate produced by the petitioners mentioned the age of the daughter of Petitioner No. 1 as 14 years.

Having heard learned counsel for the parties and taking into consideration the fact that several cases have been lodged between the parties in connection with the marriage of the daughter of Petitioner No. 1 with Opposite Party No. 2, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten thousand) each with two sureties of the like amount each to the



satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Complaint Case No. 94 of 2018, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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