

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 86560 of 2019

Arising Out of PS. Case No.-202 Year-2016 Thana- CHANPATIA District- West Champaran

1. NAGENDRA SAH, S/o Late Gaya Sah,
2. Chanda Devi, W/o Nagendra Sah,
3. Chanamati Devi, W/o Kariman Sah,
All R/o village- Siswaniya, P.S.- Chanpatiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-02-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 363, 366 (A), 302, 120B of the Indian Penal Code and under Section 8 of POCSO Act.

Prosecution case is that informant has filed Complaint case No. 1781/2016 allegation is that accused Guddu Kumar used to molest informant's daughter aged about 14 years, being aggravated with that her brother Chhotelal Sah filed an FIR against Guddu Kumar bearing FIR no. 156/2015 dated 06.07.2015 u/s 342, 354A and 354B which is under



consideration in Trial No. 3433/2016. Accused Guddu Kumar was arrested in that case and he was on bail. After getting bail he kidnapped Madhuri Kumari with intention to marry with the help of Chanda Devi and two other ladies accused. On 29.11.2015 Panchayati was held and it was decided in Panchayati that accused Guddu Kumar will search Madhuri Kumari. A contract paper was made with the signatures of Mophil Das and Baidyanath Sah, but they broke the contract and helped Guddu Kumar in hiding the victim. This incident was informed to be the police in December, 2015 but police did not lodge the case, after that an application was given to the S.P. Bettiah bearing G.R. 8546/P.G. on 31.12.2015 being aggrieved complaint case was registered which later converted in FIR.

Learned counsel for the petitioners submits that the police has submitted final form against the petitioners and the learned court below has taken cognizance against them. FIR has wrongly registered under Section 302 of the I.P.C. without proper investigation. As a matter of fact victim has returned and stated u/s 164 of Cr.P.C. she has married with one Jai Hind Yadav and the victim has not alleged anything against the petitioners nor even against co-accused Guddu Kumar. The doctor has found her age of victim to be 18 years plus. The



petitioners have got no criminal antecedent.

In the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 1st cum Special Judge, West Champaran, in connection with Chanpatiya P.S. Case No. 202 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anjani Kumar Sharan, J)

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