

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33796 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- DHANAHA District- West Champaran

1. Bhandari Kushwaha @ Bhadari Kushwaha, aged about 30 years, Male, S/O Late Bhola Kushwaha, Resident Of Village - Daunaha, P.S. - Dhanaha, District - West Champaran.
2. Geeta Devi, aged about 28 years, Female, W/O Bhandari Kushwaha @ Bhadari Kushwaha, Resident Of Village - Daunaha, P.S. - Dhanaha, District - West Champaran.
3. Shahadeo Kushwaha, aged about 45 years, Male, S/O Late Kishuni Kushwaha, Resident Of Village - Daunaha, P.S. - Dhanaha, District - West Champaran.
4. Raushan Kushwaha, aged about 22 years, Male, S/O Late Bhola Kushwaha, Resident Of Village - Daunaha, P.S. - Dhanaha, District - West Champaran.
5. Anjali Kumari, aged about 22 years, Female, D/O Raj Keshwar Kushwaha, Resident Of Village - Daunaha, P.S. - Dhanaha, District - West Champaran.
6. Shivchandra Nishadh, aged about 20 years, Male, S/O Late Acchelal Nishadh @ Akshaya Lal Nishad, Resident Of Village - Daunaha, P.S. - Dhanaha, District - West Champaran.
7. Musmat Manju Devi, aged about 55 years, Female, W/O Late Bhola Kushwaha, Resident Of Village - Daunaha, P.S. - Dhanaha, District - West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Bimlesh Kumar Pandey,Advocate
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 02-12-2021 Learned counsel for the petitioners is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application filed on



behalf of the petitioner nos. 1, 3 and 4 as they have been taken into judicial custody in connection with Dhanaha P.S. Case No. 57/2020, pending in the court of learned Additional Sessions Judge-VIIth-cum-Special Judge (POCSO), Bettiah.

Permission is accorded.

Accordingly, the present anticipatory bail application filed on behalf of petitioner nos. 1, 3 and 4, namely, Bhandari Kushwaha @ Bhadari Kushwaha, Shahadeo Kushwaha and Raushan Kushwaha is dismissed as withdrawn.

Heard learned counsel for the petitioner nos. 2, 5, 6 and 7 and learned counsel for the State.

Now, the petitioner nos. 2, 5, 6 and 7 are apprehending their arrest in connection with Dhanaha P.S. Case No. 57/2020 for the offence registered under Sections 363 and 366(A)/34 of the I.P.C.

The prosecution story, in brief, is that on 09.03.2020, the daughter of the informant, namely, Neetu Thakur, was kidnapped by Akash Kushwaha, in which his mother, sister, brother, namely, Raushan Kumar (who deals from outside) and his associates, namely, Shivcharan Nishad, Achhe Lal Nishad, Sahdev Kushwaha and Kishun Kushwaha helped him. When the informant came to know about the incident he asked Bhandari



Kushwaha, he told that he will return the girl at 11.00 hours on 10.03.2020. When the informant asked at the fixed time, he told that he will return the girl at 4.00 hours on 10.03.2020. After that on 11.03.2020, when the informant and some other persons called Bhandari Kushwaha and asked about the informant's daughter then he told that, he will not call the girl, do whatever they can do.

It has been submitted by learned counsel for the petitioner nos. 2, 5, 6 and 7 that they have got no criminal antecedent. They have falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against them. The victim has been recovered. Her statement under Section 164 Cr. P. C. has been recorded. As per the statement under Section 164 Cr. P.C., she had left the house out of her own will as there was love affairs between the victim and the co-accused Akash Kushwaha. Petitioners are the family members of the said co-accused Akash Kushwaha.

On behalf of the State, it is submitted that the petitioner nos. 2, 5, 6 and 7 are named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances of the case, let the petitioner nos. 2, 5, 6 and 7 above named,



(except petitioner nos. 1, 3 and 4, namely, Bhandari Kushwaha @ Bhadari Kushwaha, Shahadeo Kushwaha and Raushan Kushwaha, respectively) in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, 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 the learned Additional Sessions Judge-VIIth-cum-Special Judge (POCSO), Bettiah, in connection with Dhanaha P.S. Case No. 57/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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