

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37166 of 2021

Arising Out of PS. Case No.-2 Year-2021 Thana- PURNAHYA District- Sheohar

1. Jugal Pandey, aged about 75 years (male), son of late Ramlochan Pandey.
2. Kishori Pandey, aged about 61 years (male), son of late Ramlochan Pandey.
3. Surendra Pandey, aged about 51 years (male), son of late Ramlochan Pandey.
4. Annu Kumari, aged about 25 years (female)
5. Rekha Kumari, aged about 23 years (female), both D/o Surendra Pandey.
All resident of village - Basantpatti, P.S.- Purnahiya, Distt.- Sheohar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Singh, Advocate
For the State	:	Mr. Upendra Kumar, APP
For the Informant	:	Mr. Birendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 05-10-2021

The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner, which was allowed.

2. Heard Mr. Ranjeet Kumar Singh, learned counsel for the petitioners; Mr. Upendra Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Birendra Kumar, learned counsel for the informant.

3. The petitioners apprehend arrest in connection with Purnahiya PS Case No. 02 of 2021 dated 04.01.2021, instituted



under Sections 364, 366-A/34 of the Indian Penal Code.

4. The allegation against the petitioners is that they had abducted the minor daughter of the informant and when he had gone to their place, they had asked for payment of rupees one lakh, failing which the victim was threatened to be put into flesh trade and even killed.

5. Learned counsel for the petitioners submitted that a totally false case has been lodged which would be apparent from the fact that the occurrence is said to have taken place on 01.01.2021, but the FIR has been lodged only on 04.01.2021 when in the FIR itself it is alleged that the informant was aware about the abduction on the same day. Learned counsel submitted that the girl has appeared before the Court and her statement under Section 164 of the Code of Criminal Procedure, 1973, (hereinafter referred to as the 'Code') has been recorded on 19.01.2021 in which she has fairly stated that she was in relationship with Abhishek Kumar, son of the petitioner no. 3 and they had gone to Delhi on 01.01.2021 as she was carrying pregnancy and on 31.01.2021, she was blessed with a child and that she wanted to live with Abhishek Kumar. It was further submitted that the petitioners have no other criminal antecedent. Learned counsel took a categorical stand that they would fully



accept the girl in their house as wife of Abhishek Kumar and shall give her due place and that her dignity, honour and security shall be ensured.

6. Learned APP and learned counsel for the informant submitted that the girl was minor.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in view of the statement of the girl under Section 164 of the Code as also the estimation of the age of the girl by the Court to be 18 years and the girl herself stating that she was 19 years old and that she herself on her own volition had gone with Abhishek Kumar to Delhi and has now been blessed with a child and wants to live with him, the Court is inclined to allow the prayer for pre-arrest bail.

8. Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge 1st cum Special Judge, POCSO, Sheohar, in Purnahia PS Case No. 02 of 2021, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure,



1973 and further (i) that one of the bailors shall be a close relative of the petitioners, (ii) that the petitioners shall cooperate with the Court and the police/prosecution. Failure to cooperate shall lead to cancellation of their bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

10. The petition stands disposed of in the aforementioned terms.

(Ahsanuddin Amanullah, J)

J. Alam/-

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