

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 28687 of 2020

Arising Out of PS. Case No.-340 Year-2020 Thana- MAHUA District- Vaishali

1. DHARMENDRA SAH @ DHARMENDRA KUMAR CHANDRABANSHI
S/o Vishwaath Sah Resident of Rampur Sighara, P.S-Mahua, District-
Vaishali.
2. Reena Devi W/o Dharmendra Sah Resident of Rampur Sighara, P.S-Mahua,
District-Vaishali.
3. Bindu Devi W/o Amar Prasad Resident of Raghopur, P.S.-Bakhtiarpur,
District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Amresh Kumar Sinha, Advocate
For the State	:	Mr Jitendra Kr Singh, APP
For the Informant	:	Mr Shyameshwar Kr Singh, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 01-02-2021 Petitioners' counsel is permitted to correct the name
of petitioner No 2 above named in the petition.

Heard learned counsel for the petitioners, informant
and the learned APP for the State.

Petitioners apprehend arrest in connection with
Mahua Police Station (for brevity, *PS*) Case No 340 of 2020
instituted for the offence punishable under Sections 366A, 370
(4)/34 of Indian Penal Code.

There is allegation of abduction of informant's sister
aged about 14 years.



Learned counsel for the petitioners submits that it is a case of false implication on extraneous considerations. The petitioners are innocent and there is stark variance between statement of the victim recorded under Section 164 of Criminal Procedure Code (for brevity, *Cr P C*) with that which was recorded by the *Sarpanch*, one day prior to the statement under Section 164 of Cr P C. This indicates falsity of the allegation.

Learned counsel for the informant and the learned APP for the State submit that the case diary reveals that the age of the victim was between 14 – 16 years and that other persons have also supported taking away the minor sister of the informant by the accused persons.

Considering the rival submissions and having regard to their gender, prayer for anticipatory bail in respect of petitioners No 2 and 3 above named is allowed.

In the event of surrender/arrest of petitioners No 2 and 3, named above, before the Court below, within four (04) weeks from today, they shall be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Vaishali at Hajipur in Mahua PS Case No 340 of 2020 subject to the conditions as laid down under



Section 438 (2) of Criminal Procedure Code and also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

Prayer for anticipatory bail, in so far as petitioner No 1 above named is concerned, is rejected.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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