

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.753 of 2021

Arising Out of PS. Case No.-222 Year-2020 Thana- FALKA District- Katihar

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1. Sudin Sah @ Sudin Kumar Sah Son of Shahdeo Sah Resident of Village - Babhni, P. S. - Falka, District - Katihar.
 2. Latkan Sah @ Dheeraj Kumar Sah S/O Shahdeo Sah Resident of Village - Babhni, P. S. - Falka, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s : Mr. Dashrath Mehta, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 29-06-2021 Heard learned counsel for the petitioners and learned
A.P.P. for the State through video conferencing.

The petitioners have filed the instant application for grant of regular bail in connection with Falka P.S. Case No. 222 of 2020 registered under sections 363, 366A and 34 of the Indian Penal Code.

As per allegation in the F.I.R., it is stated by the informant that while he along with his wife had gone out to work under the MNREGA Scheme, on returning home for food, he found his younger daughter missing. She was not present even when they returned from work in the evening. In spite of search she was not to be found. On going to the house of



petitioner no.1 for making inquiries, it is stated that the accused persons started to abuse the informant. He suspects that his daughter may have been kidnapped by the petitioner no.1 for the purpose of marriage.

It is submitted by learned counsel for the petitioners that the allegations as levelled in the F.I.R. are false and concocted. The petitioners are full brothers. The daughter of the informant returned and her statement was recorded under section 164 Cr.P.C. It is further submitted that the petitioner no.1 denies having married the informant's daughter. Informant's daughter was medically examined and her age was estimated to be 17-18 years. The petitioners have no criminal antecedent, they are in custody since 29.6.2020 and investigation in the case has concluded.

The application for bail is opposed by learned A.P.P. for the State.

Having heard learned counsel for the parties and on going through the materials on record, it transpires that the daughter of the informant who is a minor, was married to the petitioner no.1.

In view of the facts and circumstances, the Court is not inclined to enlarge the petitioner no.1 on bail and his



application for bail is rejected.

The petitioner no.2 is directed to be enlarged on bail in connection with Falka P.S. Case No. 222 of 2020 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-VI-cum-Special Judge, Katihar.

(Partha Sarthy, J)

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