

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3991 of 2021

Arising Out of PS. Case No.-37 Year-2020 Thana- SAHPUR District- Bhojpur

1. RAMCHANDRA YADAV @ RAMCHANDRA GOND S/o Gujala Gond Resident of Vill.- Laxami Dera, P.S.- Shahpur, Distt.- Ara, Bhojpur.
2. Kanti Devi W/o Ramchandra Yadav @ Ramchandra Gond Resident of Vill.- Laxami Dera, P.S.- Shahpur, Distt.- Ara, Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Yadav

For the Opposite Party/s : Mr. Braj Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 02-11-2021 A supplementary affidavit has been filed for necessary correction in the prayer portion of the main petition as also in the order dated 05.08.2021.

The learned advocate for the petitioners has stated in the affidavit that inadvertently in the prayer portion of the main petition "Additional Chief Judicial Magistrate -IV, Gaya" has been typed in place of "Additional Chief Judicial Magistrate-1st, Bhojpur at Ara" and because of the same, the order dated 05.08.2021 has been passed to the satisfaction of "Additional Chief Judicial Magistrate -IV, Gaya" in place of "Additional



Chief Judicial Magistrate-1st, Bhojpur at Ara”.

Let it be read as ACJM-IV, Bhojpur at Ara in the order 05.08.2021.

The petitioners seek bail in anticipation of their arrest in connection with Shahpur P. S. Case No. 37 of 2020, dated 08.02.2020, instituted for the offences under Sections 364, 366, 372 and 376 of the Indian Penal Code.

It is alleged in the F.I.R. that the niece of the informant was abducted by the son of the petitioners namely, Anil Yadav. This abduction was in the knowledge of the petitioners. However, instead of helping the uncle of the victim, the petitioners are alleged to have misbehaved with the uncle when he had come looking for his niece to the house of the petitioners.

Mr. Yadav, learned advocate for the petitioners has submitted that an absolutely false case has been lodged against them. The informant also was aware of the relationship of his niece with the son of the



petitioners.

It has come during the course of investigation that the victim girl has married the son of the petitioners.

The statement of the victim girl under Section 164 Cr.P.C. makes it very clear that there was no abduction or kidnapping but the victim had gone with the son of the petitioners of her own free will. She had been subjected to medical examination and her age has been assessed to be 17 to 19 years.

Since the victim girl did not want to go to her parents or to her uncle, i.e., the informant, and had not become major at that time, she has been kept in Observation Home and is likely to be released on her attaining majority in the month of February, 2022.

Considering this aspect of the matter, the son of the petitioners has been granted regular bail by the court below.

The petitioners also had been granted



provisional bail by this Court *vide* order dated 05.08.2021 and case-diary was called for.

The investigation papers do not reveal any fact which is otherwise than the submissions made on behalf of the petitioners.

Regard being had to the afore-stated facts, the provisional bail granted to the petitioners *vide* order dated 05.08.2021 is, hereby, confirmed.

The application is allowed.

The petitioners shall remain on the same bail-bonds.

(Ashutosh Kumar, J)

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