

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2935 of 2021

Arising Out of PS. Case No.-184 Year-2020 Thana- GAIGHAT District- Muzaffarpur

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1. Radha Kumari, aged about 19 years, female, Daughter of Naresh Sah.
 2. Sobha Devi, aged about 36 years, female, Wife of Naresh Sah.
 3. Naresh Sah, aged about 42 years, male, Son of Pragash Sah.

All are resident of Village-Ramnagar, P.S.-Gaighat, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Adv.

For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 14-09-2021 Heard Mr. Ravi Ranjan, the learned Advocate

for the petitioners and the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Gaighat P.S. Case No. 184 of 2020, dated 09.07.2019, instituted for the offences under Sections 363, 366(A) and 34 of the Indian Penal Code.



It has been alleged by the informant that his daughter was taken to a local *mela* by the petitioners, but she never returned.

The learned counsel for the petitioners has submitted that the victim girl was recovered and she has given her statement under Section 164 Cr.P.C. alleging that she had gone to Delhi along with one Ganesh Kumar, who is the son of petitioner Nos. 2 and 3 and, thereafter, she came back. She has further stated that aforesaid Ganesh Kumar did not establish any sexual contact with her during her stay in Delhi.

So far as the petitioners are concerned, it has been submitted that there is no accusation against them in the statement given by the victim girl under Section 164 Cr.P.C. It has further been submitted that the victim did not agree for medical examination. Merely because petitioner No. 1 happens to be the sister of aforesaid Ganesh Kumar and petitioner Nos. 2 and 3, his parents, therefore, they have been named in this case. It has also been submitted that petitioner



No. 1 has recently been married.

Considering the afore-noted aspects of the matter, the petitioner Nos. 1 and 2, namely, Radha Kumari and Sobha Devi, being ladies, were granted provisional bail vide order dated 29.07.2021.

Considering the factual background of the case and the statement of victim girl under Section 164 Cr.P.C. in which she has not named any one of the petitioners, the petitioner No. 3, namely, Naresh Sah, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chid Judicial Magistrate-XV, Muzaffarpur in connection with Gaighat P.S. Case No. 184 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The provisional bail of petitioner Nos. 1 and 2, referred to above, is also, hereby, confirmed. They



shall remain on the same bail-bonds.

The application stands disposed off
accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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