

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6582 of 2021

Arising Out of PS. Case No.-117 Year-2019 Thana- MANSABI District- Katihar

1. Naveen Rishi, aged about 29 years (Gender-M) son of Firangi Rishi.
2. Firangi Rishi, aged about 55 years (Gender-M), son of Mangan Rishi.
3. Fuchani Devi, aged about 50 years (Gender-F), wife of Firangi Rishi.
All resident of village - Mushari Tola, P.S. - Mansahi, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimal Kumar, Advocate
For the State	:	Mr. Anant Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 06-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioners on 02.08.2021, which was allowed.

3. Heard Mr. Bimal Kumar, learned counsel for the petitioners and Mr. Anant Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

4. The petitioners apprehend arrest in connection with Mansahi PS Case No. 117 of 2019 dated 14.11.2019, instituted under Sections 363, 366-A, 504/34 of the Indian Penal Code.



5. The allegation against the petitioners and others is of abducting the 13 years old minor daughter of the informant with intention to perform marriage.

6. Learned counsel for the petitioners submitted that the petitioner no. 1 is the brother and petitioners no. 2 and 3 are the parents of Rikki Rishi and the fact is that Rikki Rishi and the girl, namely, Rabina Kumari had married in Court out of their own free will without any role or involvement of the petitioners. It was submitted that the occurrence is said to have taken place on 05.11.2019 and co-accused Rikki Rishi was arrested from his house on 14.11.2019 itself and thereafter the girl has been recovered on 09.01.2020 from the house of one Vishnu Rishi, resident of village Bari Didh Pakaria, P.S.- Hasanganj, District-Katihar, and the petitioners have no connection with the said Vishnu Rishi. It was submitted that in her statement before the police under Section 161 of the Code of Criminal Procedure, 1973, (hereinafter referred to as the 'Code') she has disclosed that she had love affairs with Rikki Rishi and had left her house on her own accord and had married Rikki Rishi in the Court and has further stated that later on, she came to know that because of her age, she could not have married and has returned. Learned counsel submitted that there is no allegation of any role or complicity of



the petitioners, but surprisingly on the next day i.e., 10.01.2020, in her statement before the Court under Section 164 of the Code, she has stated that Rikki Rishi had forcibly abducted her and had married and she was kept in the house of his parents in Bengal for two months. Learned counsel submitted that there is no connection of the petitioners in Bengal and, thus, the allegation itself is unbelievable that they would live in Bengal for two months, whereas, the fact is that they were living in Katihar all the time. It was submitted that just because after recovery she went to her parents' place, a doctored and tutored version has been stated before the Court by the girl at the behest of the parents/guardian. Learned counsel submitted that co-accused, Rikki Rishi, has been granted bail by the Court below on 23.06.2020. Further, it has been stated that even as per the statement under Section 164 of the Code, the allegations levelled are general and omnibus. Moreover, the girl has not explained as to how she was recovered from the house of Vishnu Rishi, who is resident of village- Bari Didh Pakaria, P.S.- Hasanganj, in the district of Katihar, when she has alleged that she was kept by the petitioners no. 2 and 3 in Bengal for two months. Learned counsel submitted that the petitioners have no other criminal antecedent.



7. Learned APP submitted that the petitioners were also involved in the abduction. However, it was not controverted that the girl, even in the statement before the Court has not stated that the petitioners were also involved in her abduction or there is any allegation of misconduct or abuse against the petitioners by the girl as she has alleged that it was Rikki Rishi, who had abducted her and married her as per the statement under Section 164 of the Code.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that from the FIR also the allegation made is that the abduction was for the purpose of marriage and the girl has also stated that co-accused Rikki Rishi had abducted her and the recovery of the girl being from another person, in the district of Katihar and the only allegation being levelled by the girl in her statement under Section 164 of the Code, that too, after being united with her parents, that she was kept in the house of the petitioners no. 2 and 3 in Bengal, without any allegation of any maltreatment or abuse, the Court is inclined to allow the prayer for pre-arrest bail.

9. 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 Chief Judicial Magistrate, 6th, Katihar, in Mansahi PS Case No. 117 of 2019, 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.

10. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail 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 petitioner(s).

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

(Ahsanuddin Amanullah, J)

J. Alam/-

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