

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77208 of 2019

Arising Out of PS. Case No.-255 Year-2019 Thana- CHANPATIA District- West Champaran

1. RAMDEV DAS Son of Late Dukhi Das Resident of Village - Musahri Gram Panchayat, Mahna (Mohna), Kuli, P.S.- Chanpatia, Distt - West Champaran.
2. Sharda Devi Wife of Ramdev Das Resident of Village - Musahri Gram Panchayat, Mahna (Mohna), Kuli, P.S.- Chanpatia, Distt - West Champaran.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, A.P.P

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 26-10-2021 Heard Sri Vibhakar Kumar, learned counsel appearing on behalf of the petitioners and Sri Anuj Kumar Shrivastava, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Chanpatiya P.S. Case no. 255 of 2019, registered under Sections 366(A)/34 of the Indian Penal Code.

The facts of the case, as argued by the learned counsel appearing on behalf of the petitioners, are as under :-

In regard to the incident, which has taken place on 20.07.2019, an F.I.R. was lodged by the informant relating to kidnapping of her minor daughter aged about 15 years, who had gone to school and did not return back. On inquiry, it came to the knowledge of the informant that petitioners, who are



father and mother of co-accused Raj Kumar Das have kidnapped his daughter. The informant went to the house of the accused persons, where it was informed by Ramdev Das (Petitioner No.1) that his daughter will be returned home after 2 to 3 days, but the daughter of the informant did not return back then upon suspicion, an F.I.R. was lodged before SHO Chanpatia P.S. bearing Chanpatia P.S. Case No. 255 of 2019, dated 02.08.2019. The victim girl remained abducted about 12 days with the accused persons.

Considering the allegation made in the F.I.R., this Court vide order dated 04.12.2019 called for case diary relating to Chanpatiya P.S. Case No. 255 of 2019 pending in the Court of 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST POCSO, Bettiah, West Champaran. The same is on the record. On 23.06.2020, this Court has called for photocopy of the statement of the victim recorded under Section 164 of the Cr.P.C. in connection with Chanpatiya P.S. Case No. 255 of 2019 from the above mentioned Special Court. The statement of the victim has also been brought on record.

Learned counsel appearing on behalf of the petitioners submits that petitioners are father and mother of co-accused Raj Kumar Das, who, in fact, had abducted the



daughter of the informant and they have falsely been made accused in the present case. He further submits that victim has not alleged anything against the petitioners that these petitioners were involved in her kidnapping. It has further been stated that informant has hatched a conspiracy due to land dispute between the parties. It has further been stated that the antecedent of the petitioners are clean and they are not involved in any criminal case prior to the present case.

On the other hand, learned A.P.P. for the State has drawn attention of this Court to paragraph Nos. 38, 39 and 85 of the case diary. It appears from paragraph No.38 that medical examination of the victim was conducted by Senior G.M.C., Bettiah having registration No. 8, G.M.C. Campus, Bettiah on 19.08.2019. It has been reported that P.V. examination was done and no any sign of injury found on her body as well as on her private part. In paragraph No. 39 of the case diary, it has been recorded that victim has returned to her home. The said fact has also been substantiated in paragraph No. 85 of the case diary.

On perusal of the statement of victim under Section 164 Cr.P.C. recorded on 19th August, 2019, she has nowhere alleged that she was raped by the petitioners or



anyway involved in the said illegal act. The victim has stated that accused Raj Kumar Das had kidnapped her and demanded Rs. Five Lakhs and forced her to work in a Mall at Chittor.

Having heard both the sides and the material available on the record as well as considering the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge-cum-Special Judge, SC/ST POCSO, Bettiah West Champaran in connection with Chanpatiya P.S. Case No. 255 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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