

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16451 of 2021

Arising Out of PS. Case No.-307 Year-2020 Thana- MAHESI District- East Champaran

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1. Raju Pandit @ Raju Kumar Pandit, aged about 29 years, male, Son of Shivdeni Pandit.
 2. Shivdeni Pandit, aged about 52 years, male, Son of Ramji Pandit.
 3. Fuljhari Devi @ Fuliya Devi, aged about 50 years, female, Wife of Shivdeni Pandit.

All are residence of Village- Kaswa Mehsiganj Chowk, P.S.- Mehshi, District- East Champaran at Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.

For the Opposite Party/s : Mr. Narendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 27-01-2022 Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Mehshi P.S. Case No. 307 of 2020, dated 06.10.2020, instituted for the offences under Sections 363, 366(A) and 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences



Act, 2012.

The informant, who is the mother of the victim, has alleged that in the wee hours, she did not find her daughter in the room. She has alleged that one Saraswati Devi, her neighbour, used to come to her house and used to make the victim talk on telephone with somebody. In this context, it has been alleged by the informant that the petitioner No. 1 and his parents, who are petitioner Nos. 2 and 3, have kidnapped the victim for the purposes of marriage.

It has been submitted on behalf of the petitioners that an absolutely false accusation has been levelled against them. The victim girl, on her recovery, has given her statement under Section 164 Cr.P.C. in which she has stated that aforesaid Saraswati Devi, a neighbour, had administered some deleterious substance to her which made her unconscious. She regained her consciousness only after three days, but she found only Saraswati Devi around and nobody else. She has further stated that nobody ill-treated her and that aforesaid Saraswati Devi left her near a temple



from where she went to her house. In this context, the victim has again stated that for the last several years, she had developed some relationship with petitioner No. 1, but that was only on account of Saraswati Devi. Later because of the conduct of Saraswati Devi, she has stopped talking to petitioner No. 1/Raju Pandit @ Raju Kumar Pandit.

It has been submitted that there could be a possibility of aforesaid Saraswati Devi trying to take away the victim girl from the custody of her mother or preventing the petitioner No. 1 from marrying her after she attains majority.

In any view of the matter, since nothing damaging has been stated against the petitioners in the 164 Cr.P.C. statement of the victim girl, they, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-VII-cum-Special Judge, POCSO Act, East Champaran



at Motihari in connection with Mehashi P.S. Case No. 307 of
2020, subject to the conditions laid down under Section
438(2) of the Cr.P.C.

The application stands allowed.

(Ashutosh Kumar, J)

Praveen-II/-

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