

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8757 of 2022

Arising Out of PS. Case No.-169 Year-2020 Thana- MAINATAND District- West Champaran

1. Hardev Pandit Son Of Late Shivrul Pandit Resident Of Village- Sukhlahi, Police Station- Mainatand, District- West Champaran At Bettiah
2. Baro Devi @ Badho Devi Wife Of Hardev Pandit Resident Of Village- Sukhlahi, Police Station- Mainatand, District- West Champaran At Bettiah
3. Rambha Devi Wife Of Premchandra Pandit @ Cxhandr Pandit Resident Of Village- Sukhlahi, Police Station- Mainatand, District- West Champaran At Bettiah
4. Kisnawati Devi @ Krishnavati Devi Wife Of Rajesh Pandit Resident Of Village- Sukhlahi, Police Station- Mainatand, District- West Champaran At Bettiah

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-05-2022 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioners are apprehending their arrest in Mainatand P.S. Case No. 169 of 2020 though registered under Sections 363, 366A of the Indian Penal Code only but cognizance has been taken under Sections 363, 366A alongwith 8 of the POCSO Act.



Allegation against the accused persons including the petitioners is of kidnapping the informant's daughter for the purpose of marriage.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. The victim has been recovered and her statement under Section 164 of the Cr.P.C. has been recorded. In her statement recorded under Section-164 of the Cr.P.C. no allegation of abduction has been made by the victim. The victim has stated that she left house out of her own sweet will. Annexure-2 to the present application is the Statement of the victim recorded under Section 164 Cr. P.C. The petitioner Nos. 2 to 4 are ladies.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with



two sureties of the like amount to the satisfaction of learned Additional Sessions Judge-VII-cum-Special Judge, POCSO Act, Bettiah, West Champaran in connection with Mainatand P.S. Case No. 169 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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