

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18310 of 2022**

Arising Out of PS. Case No.-82 Year-2021 Thana- MAHILA P.S BAGHA District- West
Champaran

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1. ASHA DEVI @ SEEMA DEVI WIFE OF PAPPU DUBEY R/O VILLAGE-
NEPALI TOLA, WARD NO.2, P.S.- RAMNAGAR, DISTRICT- WEST
CHAMPARAN
 2. PAPPU DEBEY SON OF LATE RAMESH SAH R/O VILLAGE- NEPALI
TOLA, WARD NO.2, P.S.- RAMNAGAR, DISTRICT- WEST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Anant Kumar Mishra, Advocate
For the Opposite Party/s :	Mr.Suresh Prasad Singh
	Mr.Binod Murari Mishra

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 26-09-2022 Heard learned counsel for the petitioners, learned
counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 363, 366,
366A, 372, 373 and 34 of the Indian Penal Code read with
Section 8 of the POCSO Act.

Learned counsel for the petitioners submits that the
petitioners are persons with clean antecedent, they are own
uncle and aunt of the victim and the informant has falsely
instituted the present case alleging kidnapping of her daughter
when the truth is that informant had four daughters and as such



the petitioners being aunt and uncle of the victim had adopted the victim in the childhood though not through any legal document but by understanding with his own brother who is husband of the informant.

Learned counsel for the petitioners submits that statement of the victim was recorded under Section 164 of the Cr.P.C. and from perusal of the same it would manifest that the victim has not even remotely supported the prosecution case rather she in her statement recorded under Section 164 Cr.P.C. has very clearly stated that these petitioners had brought her up and their name also figures in her school records and she wants that nothing should happen to the petitioners, learned counsel thus submits that from perusal of the statement of the victim under Section 164 Cr.P.C. it would manifest that out and out a false case was instituted by the informant who is own wife of the brother of petitioner no.2.

Learned counsel for the informant very fairly submits that since victim has not supported the prosecution case in her statement under Section 164 Cr.P.C. as such he is not in a position to rebut the submissions of the learned counsel for the petitioners.

Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 2,000/- (Rupees Two Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Bagaha Mahila P.S. Case No. 82 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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