

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19902 of 2022

Arising Out of PS. Case No.-72 Year-2021 Thana- RAHIKA District- Madhubani

1. SHIV DEV JHA @ SHIDEV JHA Son of Late Panchdev Jha Resident of Village - Balaha Parjuar, P.s.- Arer, Distt.- Madhubani.
2. Sonu Jha Son of Shivdev Jha @ Shridev Jha Resident of Village - Balaha Parjuar, P.s.- Arer, Distt.- Madhubani.
3. Chandan Jha Son of Shivdev Jha @ Shridev Jha Resident of Village - Balaha Parjuar, P.s.- Arer, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through virtual Court proceedings.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363, 366(A) and 34 of the Indian Penal Code.

The informant alleges that on 02.06.2021 at 10.00 pm his minor daughter was kidnapped by some accused persons in a Scorpio vehicle, it is next alleged that on 03.06.2021, a search was made and it came to the knowledge of the informant that five accused persons, including the petitioners, have kidnapped his daughter with an intention of rape, prostitution, murder or



marriage.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the present case, further the petitioner no.1 is a person aged about 74 years. Learned counsel next submits that the date of occurrence is 02.06.2021 and FIR came to be instituted on 04.06.2021 i.e., after a delay of two days without any plausible explanation, it is also submitted that the victim has returned and her age was assessed by Medical Board as 19 years as has been specifically pleaded at paragraph '10' of the anticipatory bail application and the statement of the victim was also recorded under Section 164 Cr.P.C. wherein she has stated her age as 19 years and she has also not supported the prosecution case. Learned counsel next submits that it has become rampant that when occurrence of such nature takes place i.e., when a girl elopes in love with her lover, the family of the victim institutes a false case alleging that victim is a minor and thus implicates the entire family members of the lover of the victim. It is next submitted that in the present case, the victim is assessed to have been a major girl and she has herself disclosed her age as 19 years in her statement recorded under Section 164 Cr.P.C wherein she has also not supported the



prosecution case which amply demonstrates that the informant was knowing that the victim has eloped and thus instituted the case after a delay of two days i.e. on 04.06.2021. Learned counsel next submits that on account of such false case, the reputation of the family members is lowered in the society as in the present case the brother of the husband of the victim was taken into custody, it is also submitted that when such false cases are instituted, the police should also be fair in investigating and if it comes to the notice of the police that a false case has been instituted then legal action against informant should also be initiated.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

The Court is also of the view that in such cases the police should act promptly and in the event, if it is found that the victim does not support the prosecution case and is a major and the entire family members of the accused who was in love with the victim have been falsely implicated then an appropriate legal action should also be initiated against the informant.

The Court hopes that the Superintendent of Police, Madhubani will look into the matter and take appropriate action, if required.



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 trial court 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 trial court where the case is pending/successor court in connection with Rahika P.S. Case No. 72 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Let, this order be sent to the Superintendent of Police, Madhubani for his perusal.

(Satyavrat Verma, J)

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