

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19745 of 2022

Arising Out of PS. Case No.-9 Year-2022 Thana- MAHILA P.S BAGHA District- West
Champaran

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1. Jitendra Kumar Srivastava Son Of Rabindra Prasad Srivastava Resident Of Village- Sahasrao, P.S.- Bhairoganj, District-West Champaran, At Present, Village- Bairiya Khurd, Harnatand, P.S.- Laukariya, District- West Champaran
 2. Radha Devi Wife Of Jitendra Kumar Srivastava Resident Of Village- Sahasrao, P.S.- Bhairoganj, District-West Champaran, At Present, Village- Bairiya Khurd, Harnatand, P.S.- Laukariya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-09-2022 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in

a case registered for the offences punishable under

Sections 363, 366(A), 504, 34 of the Indian Penal

Code.

It is alleged that minor girl of the informant has

been abducted by petitioner No. 1 and when the

informant went to enquire about his daughter, petitioner

No. 2 being wife of petitioner No. 1 has abused the



informant.

It is submitted by learned counsel for the petitioners that petitioners have falsely been implicated in this case. Petitioner No. 1 is working as Night Guard in P.H.C, Bagaha and on the alleged date of occurrence, he was on duty. So far as petitioner No. 2 is concerned, there is only allegation of abuse and pushing away from the door only.

Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that the victim in her 164 Cr.P.C statement has supported the prosecution case and stated that petitioner No. 1 took her away from the lawful guardianship of her parents.

Considering the fact that petitioner No. 1 was actively participated in the elopement of the minor girl of the informant and the independent witnesses as well as the victim herself has supported the prosecution case, this Court is not inclined to grant anticipatory bail to



petitioner No. 1.

The prayer for grant of anticipatory bail to petitioner No. 1 stands rejected.

So far as petitioner No. 2 is concerned, since she is a lady and she herself was cheated by her husband being petitioner No. 1, let the petitioner No. 2, above named, in the event of her arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bagaha, West Champaran in connection with Bagaha Mahila P.S. Case No. 09 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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