

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21145 of 2022

Arising Out of PS. Case No.-329 Year-2021 Thana- RIGA District- Sitamarhi

1. MANISH KUMAR S/o Suresh Raut Resident of Village- Bulakipur, P.S.- Riga, District-Sitamarhi.
2. Chanda Devi W/o Suresh Raut Resident of Village- Bulakipur, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ritesh Kumar Narain Singh, Adv.

For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-09-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

A supplementary affidavit has been filed in the court today itself by learned counsel for the petitioners.

The same is taken and kept on record.

The petitioners apprehend their arrest in a case registered for the offence punishable u/s 363/366(A)/34 of the IPC.

Petitioners and other co-accused persons are said to have



kidnapped the daughter of the informant.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioners is general and omnibus in nature. It is submitted that victim is a major girl, as according to the School leaving certificate, the date of birth of the victim is 03.02.2002, as such her age at the time of occurrence was more than 19 years. Age of victim is wrongly mentioned as 17 years in the impugned order and on that basis she has been considered as minor. The statement of victim was recorded u/s 164 Cr.P.C. in which she stated that she had left her house and reached at Delhi with co-accused Krishna Kumar on her own will. She has further stated that her brother used to torture her, as such, she left her house with Krishna Kumar and on 28.12.2021, she solemnized marriage with him. Petitioners have no criminal antecedent. Similarly situated co-accused namely Babita Devi has been enlarged on anticipatory bail by this Court vide order dated 04.08.2022 passed in Cr. Misc. No.13633 of 2022.

Learned APP for the State as well as learned counsel for



the informant have opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the statement of victim u/s 164 Cr.P.C., let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Riga P.S. Case No.329 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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