

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22293 of 2022

Arising Out of PS. Case No.-176 Year-2021 Thana- JAMOBABAZAR District- Siwan

1. LALMATI DEVI W/o Dashrath Ram Resident of Village - Jagdishpur (Chhotka Tola), P.s.- Jamo Bazar, Distt.- Siwan.
2. Punam Devi W/o Parshuram Ram Resident of Village - Jagdishpur (Chhotka Tola), P.s.- Jamo Bazar, Distt.- Siwan.
3. Balindra Ram Son of Dashrath Ram Resident of Village - Jagdishpur (Chhotka Tola), P.s.- Jamo Bazar, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Bardhan Pandey, Advocate
For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-11-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

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

The informant alleges that on 13.12.2021 at 3:30 pm, petitioner No. 1 came to her house and informed that someones goat has gazed her land on account of which the informant's minor daughter aged about 17 year went to see her field, where from before Om Prakash Ram and Ajit Ram were standing with a motorcycle, it is next alleged that all the accused persons including the petitioners made her sit on the motorcycle and Ajit Ram drove



the bike along with the victim, further, it is alleged that the offence was committed with an intention to marry.

Learned counsel for the petitioner submits that petitioners are persons with clean antecedent and have been falsely implicated in the present case, it is next submitted that date of occurrence is 13.12.2021 and the FIR was instituted on 22.12.2021 without any plausible explanation explaining the delay. Learned counsel next submits that petitioner No. 1 is mother of Om Prakash and petitioner No. 2 is sister of Om Prakash and petitioner No. 3 is brother of Om Prakash, it is next submitted that though at the time of filing of the anticipatory bail application, the victim was traceless but after filing of the anticipatory bail application the victim now stands recovered and her statement was recorded under Section 164 CrPC wherein she has not supported the prosecution case rather has stated that she had married Om Prakash Ram S/o petitioner No. 1 and is also presently staying with him. The learned counsel further submits that victim is major though in the FIR she is alleged to be a minor aged about 17 year but even presuming what has been alleged in the FIR is true without admitting then also the victim had reached the age of discretion where she was capable of understanding the consequences of her action.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of 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 trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five 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 Jamo Bazar P.S. Case No. 176 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, the learned Trial Court before accepting the bail bond shall verify the statement of the victim recorded under Section 164 CrPC and in the event if it is found that she has supported the prosecution case, then the present anticipatory bail order shall on be acted upon

(Satyavrat Verma, J)

HarshPandey/-

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