

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5641 of 2021

Arising Out of PS. Case No.-69 Year-2020 Thana- DANDKHORA District- Katihar

1. RAKESH KUMAR CHOUDHARY @ RAKESH KUMAR Son of Rajesh Choudhary Resident of Village - Belrahi, Post Office - Bijaili, P.S.- Dandkhora, District - Katihar.
2. Madan Kumar Choudhary @ Madan Choudhary Son of Musai Choudhary @ Muneshwar Choudhary @ Munesar Choudhary Resident of Village - Belrahi, Post Office - Bijaili, P.S.- Dandkhora, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jibendra Mishra, Advocate
For the Opposite Party/s : Ms. Rita Verma, APP.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 10-01-2022 Heard learned counsel for the petitioners and learned
APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defect(s) as pointed out by the office when called upon to do so by the office.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 363, 366(A), 504 and 506/34 of the Indian Penal Code.

It is a case of abduction of the minor girl, namely, Sapna Kumari who is aged about 13 years.

It is submitted by learned counsel for the petitioners



that the main allegation is against co-accused Nikhil Kumar, who solemnized marriage with the victim girl.

On perusal of the case diary as well as statement of the victim recorded under Section 164 of the Cr.P.C. of Sapna Kumari in which she stated that petitioner Rakesh Kumar Choudhary @ Rakesh Kumar, co-accused Uttam Sharma and Nikhil Kumar took away forcibly to her to Sanauli where they solemnized forcibly marriage of the victim with co-accused Nikhil Kumar.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

In view of the facts and circumstances of the case as well as the fact that victim has not stated the name of the petitioner no.2 Madan Kumar Choudhary @ Madan Choudhary, let the petitioner no.2 Madan Kumar Choudhary @ Madan Choudhary be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge-cum-Additional District and Sessions Judge-VI, Katihar in connection with Dand Khora P.S. Case No. 69 of 2020 (G.R. No.2780 of 2020), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.



So far as petitioner no.1, namely, Rakesh Kumar Choudhary @ Rakesh Kumar is concerned, the victim stated about the complicity of this petitioner in her statement under Section 164 of the Cr.P.C. and he is also named in the FIR, as such, his prayer for anticipatory bail is rejected.

(Sunil Kumar Panwar, J)

brajesh kumar/-

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