

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69838 of 2021

Arising Out of PS. Case No.-57 Year-2020 Thana- DHANAHA District- West Champaran

1. Bhandari Kushwaha S/o Late Bhola Kushwaha R/o village- Daunaha, P.S.-
Dhanaha, District- West Champaran
2. Raushan Kushwaha S/o Late Bhola Kushwaha R/o village- Daunaha, P.S.-
Dhanaha, District- West Champaran
3. Sahdeo Kushwaha S/o Late Kishuni Kushwaha R/o village- Daunaha, P.S.-
Dhanaha, District- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Advocate
For the Opposite Party/s : Mr.Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 23-05-2022 Heard counsel for the parties.

The petitioners are in judicial custody in connection with Dhanaha P.S. Case No. 57 of 2020 under sections 363, 366(A)/34 of the Indian Penal Code.

In the FIR the informant has alleged that his minor daughter was kidnapped by the family members of the petitioner herein.

Subsequently, the girl was recovered and the Medical Board examined her and found her to be between 17 to 19 years of age. The petitioners have brought on record such report as Annexure-4 in the bail application. The statement made by the



victim girl under section 164 of the Cr.P.C. has also been brought on record Annexure-3 according to which she has made statement that she married Akash Kushwaha (the brother of petitioner no.1) at her own and wants to stay with him. She further alleged that her family members were not ready for the marriage and in case any untoward incident happens, his family members will be held accountable.

Learned counsel for the petitioner along with the aforesaid two Annexures has also brought on record an order dated 8.10.2021 passed in Cr. Misc. No. 22219 of 2021 by which the said accused Akash Kushwaha has been granted bail.

Taking into account the aforesaid facts that the victim girl has been found to be between 17 to 19 years of age and has made statement under section 164 of the Cr.P.C. of having married Akash Kushwaha at her own as also that the said Akash Kushwaha has been granted bail by a coordinate bench of this Court and all the petitioners are in jail since 1.10.2021; this Court is inclined to grant them the privilege of bail.

Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-VIIth cum Special Judge (POCSO),



West Champaran, Bettiah, in connection with Dhanaha P.S.
Case No. 57 of 2020 subject to the following conditions:-

(i) one of the bailors should be the family member of the petitioners, who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reasons will entail their cancellation of bail by the Trial Court itself;

(iii) they shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the bail application is allowed.

Anything recorded in this bail application shall not be taken for consideration in course of trial which will be decided on its own merit.

(Rajiv Roy, J)

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