

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1311 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- PARIHAR District- Sitamarhi

1. MANOJ THAKUR @ MANOJ KUMAR THAKUR S/o Ramswarath Thakur Resident of Ward No. 2, Sukki Musharniya, P.S.- Parihar, District- Sitamarhi
2. Ramesh Thakur @ Ramesh Kumar Thakur S/o Ramswarath Thakur Resident of Ward No. 2, Sukki Musharniya, P.S.- Parihar, District- Sitamarhi
3. Sarita Kumari @ Sarita Devi W/o Manoj Thakur @ Manoj Kumar Thakur Resident of Ward No. 2, Sukki Musharniya, P.S.- Parihar, District- Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravindra Nath Dubey, Advocate
For the Opposite Party/s	:	Mr.Shyameshwar Dayal, APP
For the Informant	:	Mr.Abu Nasar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-08-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 363, 366(A), 380 and 34 of the Indian Penal Code read with Section 8 of the POCSO Act.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and are helpless father, mother and uncle of a boy who committed illegality in love with a minor as he eloped with her and thus the entire family came to be implicated. It is next submitted that the



informant alleges that on 06.08.2021 at 2:00 am, fourteen accused persons, including the petitioners, came to the house of the informant and thereafter kidnapped his minor daughter aged about fourteen years with an intention either to marry or for sale and they also took away jewelry worth Rs. 20 lakhs (approx). It is next alleged that Rahul Kumar used to call from his mobile no. 8235353840 and 9801006063 to the mobile no. 8603855336 of the daughter of the informant frequently. It is next alleged that when the father of Rahul Kumar was informed about the calls, he sided with his son Rahul.

Learned counsel for the petitioners submits that cunning and wise litigants take help of laws to falsely implicate innocent persons like the informant as done in the present case. Learned counsel next submits that from bare perusal of the allegations as alleged in the F.I.R., even a blind man would believe that daughter of the informant was in love with Rahul as he used to call her frequently which was in the knowledge of the informant but instead of taking any effective step to ensure that his daughter does not indulge in such activity, the informant instead of counseling his daughter went to the house of Rahul and complained and then alleges that father of Rahul sided with his son. It is further submitted that the allegations as alleged in



the F.I.R. *prima-facie* gives an impression that no doubt the girl was minor but still it appear that she was fatally attracted with Rahul on account of which she eloped with him at 2:00 am in the morning, it is next submitted that though in the F.I.R. it is alleged that the accused persons took away jewelries worth Rs. 20 lakhs, but then the same is not believable for the reason that except for the victim, no one was knowing where the jewelries were kept as such victim while eloping took away jewelry along with her. It is next submitted that it was in the knowledge of the informant that Rahul and the victim have eloped but in order to falsely implicate the family members of Rahul, the informant implicated the entire family members including the relatives of Rahul. Learned counsel next submits that it absolutely does not stand to reason that why father, mother, uncles, brother and relatives of Rahul would conspire with him and then would come to the house of the informant at 2:00 in the morning for committing the occurrence. It is next submitted that it also defies all logic wisdom and reasonable human behaviour that a father, mother, uncle and relatives would side with their son for committing an illegality knowing very well the consequences of such offence.

Learned counsel for the petitioner further submits that



the victim in her statement recorded under Section 164 Cr.P.C. has taken the name of petitioner nos. 1 and 2 but has not named petitioner no.3. It is next submitted that from perusal of the statement of the victim as recorded under Section 164 Cr.P.C., it would manifest that the same does not inspire any confidence rather it appears that only with a view to implicate innocent persons, the victim under parental pressure was made to give such statement as the statement appears to be vague as the victim has disclosed that the petitioner nos. 1 and 2 and Indra Narayan, Birendra Thakur and Raj Narayan Thakur were helping the five accused persons. It is further submitted that how they were helping, where they were helping, why they were helping such crucial facts are missing as such this gives an impression that how sacrosanct Acts made by the legislature are being misused by such willy and cunning informants.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioners but are not able to meet submission of the learned counsel for the petitioners that how is it possible for fourteen accused persons to enter the house and loot jewelries worth Rs. 20 lakhs and that too without any protest from the side of the informant.



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 Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Parihar P.S. Case No. 144 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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