

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29789 of 2023

Arising Out of PS. Case No.-34 Year-2023 Thana- BYPASS District- Patna

1. Fekan Das @ Fekan Mochi Son of Daroga Das Resident of Village-Marchi, PS-Bypass, Dist-Patna
2. Smt. Divya Devi Wife of Fekan Das @ Fekan Mochi Resident of Village Marchi, PS-Bypass, Dist-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar, ADV

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Bypass P.S. Case No. 34 of 2023, registered for the offence punishable under Section 366A of the Indian Penal Code.

3. The informant's daughter has been found missing, whereafter she has lodged the case alleging that her minor daughter has been enticed on the pretext of her marriage with co-accused *Hira Kumar*.

4. Learned counsel for the petitioners submits that being father and mother of co-accused *Hira Kumar*, petitioner nos.



1 and 2 respectively, have been implicated in this case. The further submission is that from the order of rejection of anticipatory bail by the Court of learned Additional District and Sessions Judge-IV, Patna City, it is obvious that the victim, in her statement under Section 164, has claimed to be 18 years of age. The petitioners have become victim of the circumstance, and co-accused *Hira Kumar* was taken in custody, whereafter he has been granted bail.

5. The learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, the fact that petitioners are father and mother of *Hira Kumar*. The age of the alleged victim as claimed in the statement recorded under Section 164 and, clean antecedents, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioners' counsel. Prayer for bail is allowed.

7. Accordingly, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M-VI, Patna, in connection with Bypass P.S. Case



No. 34 of 2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure as also the following conditions:

(i) That one of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the court if there is any change in the address of the petitioners.

(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, their bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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