

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37665 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

1. Dinesh Thakur Son of Mahadev Thakur, Resident of Village- Rohania, Police Station- Sarayahat, District- Dumka, Jharkhand
2. Sabita Devi @ Sunita Devi Wife of Dinesh Thakur Resident of Village - Rohania, Police Station - Sarayahat, District - Dumka, Jharkhand
3. Puja Kumari @ Puja Devi Wife of Rajesh Thakur Resident of Village - Rohania, Police Station - Sarayahat, District - Dumka, Jharkhand

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Kshem Sharma, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Kshem Sharma, learned counsel appearing
on behalf of the petitioners and the learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Jagdishpur (Goradih) P.S. Case No. 10 of 2023 registered for the offences punishable under Sections 366(A)/34, 384, 504, 506 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act.

3. Allegedly the minor daughter of the informant was enticed and taken away by co-accused Gautam Kumar Thakur and Rajesh Kumar Thakur for the purpose of marriage. In course of search, when the informant narrated the incident to the



family members of Gautam Kumar Thakur, the petitioners abused and threatened him with dire consequences.

4. Learned counsel appearing on behalf of the petitioners submits that petitioner nos. 1 and 2 are the parents of Gautam Kumar Thakur, whereas petitioner no.3 is his married sister. She further submits that specific allegation has been levelled against Gautam Kumar Thakur and Rajesh Kumar Thakur and moreover the petitioners have been residing at Dumka and they have no concern with the alleged occurrence and in fact they were not aware as to the fact that the daughter of the informant eloped with Gautam Kumar Thakur. Further submission has been made that though the occurrence took place on 16.12.2022, but the F.I.R. has been instituted on 06.01.2023, after a delay of twenty days, which makes the entire F.I.R. doubtful. She next submits that after recovery of the victim, her statement has been recorded under Section 164 of the Cr.P.C., but she has not alleged any involvement with regard to the petitioners. She lastly submits that the petitioners are having fair antecedent and undertake that they will fully cooperate in the investigation.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the



victim was recovered from Dumka, where the accused persons, including the petitioners, reside.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioners are parents and married sister of co-accused Gautam Kumar Thakur and there is no active participation of the petitioners, coupled with the fair antecedent and undertaking that they will fully cooperate in the investigation and trial, let the petitioners, named above, in the event of their arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on 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 learned Additional Sessions Judge-VII-cum- Exclusive Special Judge, POCSO, Bhagalpur in connection with Jagdishpur (Goradih) P.S. Case No. 10 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the local residents.

(Harish Kumar, J)

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