

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57913 of 2022

Arising Out of PS. Case No.-489 Year-2020 Thana- GHORASAHAN District- East
Champaran

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1. Rakesh Kumar Son of Suresh Sah Resident of Village - Barwa Kala, P.S.-
Ghorasahan, District - East Champaran
 2. Mamta Devi @ Mamta Jaiswal Wife of Rakesh Kumar Resident of Village -
Barwa Kala, P.S.- Ghorasahan, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 24-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

Let the defect(s), if any, as pointed out by the
office, be removed within four weeks.

The petitioners are apprehending arrest in
connection with Ghorasahan P.S. Case No. 489 of 2020 under
sections 363, 366(A)/34 of the Indian Penal Code.

As per the prosecution story, the informant alleged
that Asha Devi took away his minor grand daughter to her house
from where the other accused persons abducted her and took
away with co-accused Rahul Kumar.

Accordingly, the FIR.



Subsequently, the victim girl returned and made statement under section 164 of the Cr.P.C. in which she stated that she willingly went to Delhi with Rahul Kumar and solemnized marriage with him at a temple. She further stated that no one had taken her and further expressed her desires to go to her in-laws house. The said statement has been incorporated in the observation of the learned Sessions Judge while rejecting the prayer for anticipatory bail dated 18.6.2022. Further, as per the same order, the victim was medically examined by a Board of Doctors and her age was assessed between 18-19 years.

Learned counsel for the petitioners submit that they are neighbours and nothing to do with the victim or her family members and have been simply made accused on the ground that their house adjoins the victim's family.

The last submission is that they do not have criminal antecedents.

Taking into account the aforesaid fact as also the statement made by the victim girl under section 164 of the Cr.P.C., this Court is inclined to grant them the privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from



the receipt of this order, on furnishing bail bond of Rs. 10,000/-
(Ten thousand) each with two sureties of like amount each to
the satisfaction of learned A.C.J.M-3, Sikrahana at Dhaka, East
Champan, in connection with Ghorasahan P.S. Case No. 489
of 2020 subject to the conditions as laid down under Section
438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Ajay Singh

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