

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 56832 of 2023

Arising Out of PS. Case No.-29 Year-2023 Thana- CHANDAUTI District- Gaya

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1. Bobby Kumar Son of Ram Bilash Manjhi Resident of Village-Kujap, Post-Kujapi, P.S.-Chandauti, District-Gaya.
 2. Jitendra Kumar @ Jitendra Kumar Manjhi @ Jitendra Manjhi Son of Raj Kumar Manjhi Resident of Village-Kujap, Post-Kujapi, P.S.-Chandauti, District-Gaya.
 3. Karan Kumar Son of Sanjay Manjhi Resident of Village-Kujap, Post-Kujapi, P.S.-Chandauti, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Kumar Singh, Adv.
For the Opposite Party/s : Mr. Mohammed Arif, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 30-08-2023 Heard Mr. Avinash Kumar Singh, learned counsel

for the petitioners and Mr. Mohammed Arif, learned APP for the

State.

2. The petitioners apprehend their arrest in connection

with Chandauti P.S. Case No. 29 of 2023 registered for the

offences punishable under Sections 363 and 366A of the Indian

Penal Code.

3. Allegedly while the minor daughter of the

informant went to attend the coaching class, in the meantime,

the co-accused Prem Kumar and his cousin, namely, Jitendra



Manjhi (petitioner no.2) and his associates forcibly took away his daughter. The informant having come to know about the occurrence approached the house of Prem Kumar and others, but he was abused and threatened with dire consequences.

4. Learned counsel for the petitioners submits that from the accusation made in the FIR, it is evident that the same is specifically made against co-accused Prem Kumar and his cousin. During the course of investigation, the victim girl was recovered and her statement was recorded under Section 164 CrPC, wherein she has made specific allegation against Prem Kumar that she left her house and went along with Prem Kumar. So far the petitioners are concerned, they are said to be co-villagers, who facilitated Prem Kumar in taking away the minor daughter of the informant. He further drew the attention of this Court to the medical report, wherein the age of the victim has been assessed in between 18 to 19 years. He lastly submits that surprisingly the occurrence took place on 30.12.2022 but the FIR has been instituted on 12.01.2023 without assigning any reason of delay. The petitioners are men of fair antecedent.

5. On the other hand, learned counsel for the State opposes the pre-arrest bail application and submits that the petitioners are associates of Prem Kumar, who are involved in



taking away the minor daughter of the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 CrPC, which has taken note of in the impugned order, apart from the medical report as well as the fair antecedent of the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge POCSO Court-cum-Additional District & Sessions Judge-VI, Gaya in connection with Chandauti P.S. Case No. 29 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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