

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66205 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- SIMRA District- West Champaran

1. SUBHASH KUSHWAHA S/o INDRASHAN KUSHWAHA R/o vill - Ramwaliya, P.S. - Samera, Distt. - West Champaran
2. Krishnawati Devi Wife of Subhash Kushwaha R/o vill - Ramwaliya, P.S. - Samera, Distt. - West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta, Advocate.

For the Opposite Party/s : Mr.Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 18-10-2023 Heard Mr. Ashok Kumar Gupta, learned counsel appearing on behalf of the petitioners and Mr. Shailendra Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Semara P.S. Case No. 71 of 2023 registered for the offence punishable under Sections 366(A) and 363/34 of the Indian Penal Code.

3. Allegation against the petitioners is of kidnapping the minor daughter of the informant on the pretext of performing marriage with their son Sandeep Kushwaha.

4. Learned counsel appearing on behalf of the petitioners submits that petitioners are father and mother of co-



accused Sandeep Kushwaha who is directly involved in kidnapping of the victim. Learned counsel further submits that he has received instruction that the victim in her statement recorded under Section 164 Cr.P.C. has stated before the Magistrate that she on her own will had eloped with the co-accused Sandeep Kushwaha.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioners who are parents of co-accused Sandeep Kushwaha as well as the facts that the petitioners have made specific statement in Para-11 of the bail application that the victim was in love relationship with co-accused Sandeep Kushwaha, however considering the age of the victim, parents of the victim was given the custody, I am of the opinion that it would be proper to direct the court below to examine the statement of the victim recorded under Section 164 Cr.P.C. and if it is found that the statement made in Para-11 of the bail application that the victim was in love with the co-accused Sandeep Kushwaha and she had eloped with him out of her own will, in that case, petitioners who are parents of co-accused Sandeep Kushwaha are directed to be released on pre-arrest bail,



in the event of their arrest or surrender before the 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 Additional District and Sessions Judge-VII cum Special Judge, POCSO, Bettiah, West Champaran in connection with Semara P.S. Case No. 71 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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