

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64872 of 2023

Arising Out of PS. Case No.-205 Year-2023 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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1. Kamlesh Kahar Son Of Sheopujan Kahar Resident Of Village- And Ps-
Bhagwanpur, Dist- Kaimur
 2. Soni Devi Wife Of Kamlesh Kahar Resident Of Village- And Ps-
Bhagwanpur, Dist- Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Sahay with
Mr. Rakesh Kr. Mishra, Advocates
For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard learned counsel appearing on behalf of the

petitioners and learned Additional Public Prosecutor for the

State.

2. The petitioners apprehend their arrest in connection
with Bhagwanpur P.S. Case No. 205 of 2023, registered for the
offences punishable under Sections 363, 366(A)/34 of the Indian
Penal Code.

3. Allegedly the son of the petitioners has enticed
away the minor daughter of the informant for the purposes of
marriage.

4. It is submitted on behalf of the petitioners that
allegedly the occurrence took place on 09.07.2023 but



surprisingly the present FIR has been instituted on 12.07.2023 i.e., after a delay of 3 days without assigning any reason for such delay. He further submits that there is no eye witness to the occurrence that the victim had ever been seen either with the petitioners or their son. That apart, prior to the institution of this case, the victim had given an informatory petition before the court of learned S.D.O. Bhabhua (Kaimur) stating therein that her parents intend to get her marriage solemnized with an old aged person for which she was not ready and that is why she left her home. Copy of the informatory petition has been brought on record by way of annexure-P/2. He next submits that so far the role of the petitioners are concerned, even if the allegations are taken to be true for the sake of argument, no offence much less under Sections 363 and 366(A) is made out as there is no material constituting such offence. He lastly submits that the petitioners are persons of fair antecedent and only because of suspicion that their son was in love with the victim girl, their names have been implicated.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the victim was in love with the son of the petitioners and still she is traceless.

6. Regard being had to the submissions made on



behalf of the parties and considering the fact that the allegation has been levelled against the son of the petitioners with whom the victim had love affairs, coupled with their fair antecedent and the delay in lodging of the FIR, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-5, Bhabua at Kaimur in connection with Bhagwanpur P.S. Case No. 205 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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