

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.322 of 2023

Arising Out of PS. Case No.-127 Year-2021 Thana- BHANGWANPUR HAT District- Siwan

1. Phulwanti Devi Wife Of Baban Tiwari R/V- Jalalpur Khurd, P.O- Bishunpura, P.S- Sidhwalia, Dist- Gopalganj
2. Deepak Kumar Tiwari @ Deepak Tiwari Son Of Baban Tiwari R/V- Jalalpur Khurd, P.O- Bishunpura, P.S- Sidhwalia, Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Yadav

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-04-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 366(A) and 376 of the Indian Penal Code and Section 4, 6 of the POCSO Act and Section 9 of the Child Marriage Prohibition Act.

Allegation against the petitioners is that they along with other co-accused persons, had kidnapped the minor daughter of the informant.

Learned counsel for the petitioners submits that no such occurrence as alleged ever took place. They have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that the statement of the victim was



recorded under Section 164 of the Cr.P.C., in which she had stated that she had love and affection with co-accused Chandrakant Tiwary. She has solemnized her marriage with him and residing with him as husband and wife. Similarly situated co-accused have been enlarged on bail by a co-ordinate bench of this court vide order dated 24.01.2023 passed in Cr. Misc. No. 32366 of 2022. Petitioners have got no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposes prayer for anticipatory bail.

Considering the facts and circumstances of the case, 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 six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bhagwanpur Hat P.S. Case No. 127 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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