

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66941 of 2023

Arising Out of PS. Case No.-60 Year-2023 Thana- BISFI District- Madhubani

1. Sunita Devi Wife Of Mangal Yadav Resident Of Village - Godhaul, P.S. - Bisfi, District - Madhubani
2. America Devi Wife Of Manoj Yadav Resident Of Village - Godhaul, P.S. - Bisfi, District - Madhubani
3. Kanchan Devi Wife Of Kalaster Yadav Resident Of Village - Godhaul, P.S. - Bisfi, District - Madhubani
4. Raj Kumari Devi Wife Of Tulla Yadav Resident Of Village - Godhaul, P.S. - Bisfi, District - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shubhangi Pandey, Advocate

For the Opposite Party/s : Ms. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-11-2023 Heard Ms. Shubhangi Pandey, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehending their arrest in connection with Bisfi P.S. Case No. 60 of 2023, registered for the offences punishable under Sections 341, 363, 366(A), 504 and 506/34 of the Indian Penal Code and Section 8 and 12 of POSCO Act.

3. Allegedly the minor daughter of the informant is enticed away by co-accused Dilkhush Kumar Yadav with the



help of the petitioners and others.

4. Learned counsel appearing on behalf of the petitioners submit that all the petitioners are female and in fact on account of love affairs between the victim girl and co-accused Dilkhush Kumar Yadav, the victim voluntarily left her home and solemnized marriage with co-accused Dilkhush Kumar Yadav and at present she has been residing with him. She further submits that moreover, the alleged occurrence, which is said to have taken place on 10.01.2023, the F.I.R. has been instituted on 23.02.2023, that too, when the victim herself returned to her home. Further submission has also been made that other male members, who have been made co-accused in this case, they have been allowed privilege of regular bail by the Court below itself. She also submits that as per some authentic documents, her date of birth has shown to be 2005, and thus on the date of alleged occurrence, she was aged about 18 years. Moreover, the allegations made in the F.I.R. do not constitute any offence much less under Sections 363 /366(A) of the Indian Penal Code against the petitioners. Apart from that, on account of the victim being major, aged about 18 years, Section 8 and 12 of POSCO Act would not be applicable. She lastly submits that the petitioners will fully



cooperate in the investigation or in the proceedings of this Court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that from the impugned order, it appears that the victim has supported the prosecution case that she was forcibly taken away by co-accused Dilkhush Kumar Yadav with the help of all these petitioners.

6. Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the F.I.R and the submissions made hereinabove, 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 Additional Sessions Judge-VII-cum-Spl. Judge (POSCO Court), Madhubani in connection with Bisfi P.S. Case No. 60 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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