

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71153 of 2022**

Arising Out of PS. Case No.-736 Year-2022 Thana- KAHALGAON District- Bhagalpur

1. Amit Raj @ Amit Kumar, Son of Manoj Mandal,
2. Rita Devi, Wife of Ranjan Raj
3. Ranjan Raj @ Ranjan Kumar Son of Manoj Mandal
Petitioner nos. 2 and 3 are residents of village-Amarpur, P.S.-Ghogha,
District-Bhagalpur
4. Tulsi Mandal Son of Late Maharaj Mandal Resident of Village-Bakiya
Diyara, P.S- Barari, Dist- Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Davendra Kumar Pandey, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 29-04-2023 After short argument, learned counsel appearing on behalf of the petitioners seeks permission to withdraw the present anticipatory bail application on behalf of petitioner no. 1, namely, Amit Raj @ Amit Kumar for the present.

Accordingly, the prayer for anticipatory bail on behalf of the petitioner no.1 Amit Raj @ Amit Kumar stands dismissed as withdrawn for the present.

Now the present anticipatory bail is limited with petitioner nos. 2, Rita Devi, petitioner no.3 Ranjan Raj @ Ranjan Kumar and petitioner no.4, Tulsi Mandal.

The above-named accused/petitioners are named in



the FIR and apprehending their arrest in connection with Kahalgaon (Ghogha) P.S. Case No.736 of 2022 registered under Section 365 read with 34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

The allegation as per the FIR is that the petitioners helped the main co-accused namely, Jyotish Kumar to kidnap the minor daughter of informant aged about 16 years for the purpose of illicit intercourse/marriage.

It is submitted by learned counsel for the petitioners that petitioner no.2 is the maternal aunt (*Mami*), petitioner no.3 is the maternal uncle (*Mama*) and petitioner no.4 Tulsi Mandal is father of the main co-accused and only being the relatives, they have been implicated with present case. It is submitted that the victim fail to name these petitioners while recording her statement under Section 164 of the CrPC, where nothing incriminating stated against these petitioners. While concluding argument, it is submitted that all above-named petitioners are men of clean antecedent.

Learned Additional Public Prosecutor appearing on behalf of the State duly assisted by Mr. Subhash Kumar, learned counsel for the informant while opposing the prayer for bail fairly conceded that these petitioners were not named by the



victim in her statement recorded under Section 164 of the CrPC.

In view of the above-mentioned facts and circumstances, as no incriminating material appears through statement of victim as recorded under Section 164 of the CrPC against these petitioners, accordingly, above-named petitioners figured at sl. no.2, 3 and 4, namely, Rita Devi, Ranjan Raj @ Ranjan Kumar and Tulsi Mandal, in the event of their arrest or surrender in the court below within a period of four weeks from the date of order, are directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned 7th Additional District Judge-cum-Special Judge, POCSO Court, Bhagalpur in connection with Kahalgaon (Ghogha) P.S. Case No.736 of 2022, subject to the conditions as laid down under Section 438(2) of the CrPC.

(Chandra Shekhar Jha, J.)

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