

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34018 of 2024

Arising Out of PS. Case No.-217 Year-2023 Thana- MAHNAR District- Vaishali

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1. Raj Kumari Devi wife of Ramdeo Mahto Vill- Karnauti Ps- Mahnar Dist- Vaishali
 2. Ramdeo Mahto son of Late Jhagru Mahto @ Jag Mahto Vill- Karnauti Ps- Mahnar Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Singh
For the Opposite Party/s : Mr. Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 27-05-2024 1. Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Mahnar Police Station Case No. 217 of 2023, dated 01.08.2023, disclosing offences under Sections 363 and 365 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that the son of the petitioners kidnapped/abducted the daughter of the informant aged about 16 years.
4. Learned Counsel for the petitioners submits that the petitioners are parents of the co-accused Rupesh Kumar, who was having love relationship with the informant's



daughter and have performed marriage at Noida. He further submits that statement of the informant's daughter under Section 161 of the Code of Criminal Procedure was recorded by the police, in which, she has stated that the petitioners' son has solemnized marriage with the informant's daughter at Noida on 08.09.2023. However, immediately thereafter the statement of the informant's daughter was recorded under Section 164 of the Code of Criminal Procedure on 08.09.2023, which is on the same day, wherein she retracted from her statement made under Section 161 of the Code of Criminal Procedure and said that son of the petitioners has committed rape upon her. He next submits that there is no specific allegation against the petitioners for kidnapping and/or of rape.

5. Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation and the fact that the petitioners are parents of the co-accused, Rupesh Kumar, and there is no serious allegation against them, I am inclined to grant the petitioners privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioners, named above, in the event of their



arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur, in connection with Mahnar Police Station Case No. 217 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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