

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27654 of 2024

Arising Out of PS. Case No.-515 Year-2022 Thana- SONEPUR District- Saran

1. RAM EKBAL TIWARI SON OF LATE RAMJATAN TIWARI RESIDENT OF VILLAGE - BELA, P.S. - DARIYAPUR, DISTRICT - SARAN AT CHAPRA
2. SHOBHA DEVI WIFE OF RAM EKBAL TIWARI RESIDENT OF VILLAGE - BELA, P.S. - DARIYAPUR, DISTRICT - SARAN AT CHAPRA
3. SACHIN KUMAR @ SACHIN TIWARI SON OF RAM EKBAL TIWARI RESIDENT OF VILLAGE - BELA, P.S. - DARIYAPUR, DISTRICT - SARAN AT CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha, Advocate.
For the Opposite Party/s : Mr.Arun Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-05-2024 Heard Mr. Chandra Mohan Jha, learned counsel appearing on behalf of the petitioners and Mr. Arun Kumar Pandey, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Sonpur P.S. Case No. 515 of 2022 registered for the offence(s) punishable under Sections 363, 366A/34 of the Indian Penal Code.

3. Allegation is of kidnapping the minor daughter of the informant with an intention to get her married with co-accused Bablu Tiwari. The petitioners who are father, mother



and brother of the co-accused Bablu Tiwari are said to have participated in alleged kidnapping and also threatened the informant.

4. Learned counsel appearing on behalf of the petitioners submitted that the victim was recovered and her statement has also been recorded under Section 164 Cr.P.C., but in want of her age having been determined by a medical board considering the fact that in the F.I.R., the age of the victim has been mentioned as 12 years and it was the duty of the Magistrate to get her age examined by a medical board, the victim cannot be held to be a minor. Learned counsel further submitted that the victim in her statement recorded under Section 164 Cr.P.C. has stated before the Magistrate concerned that she is adult and is aged about 21 years. He further informs that the victim on her own desire and wish being adult has married with the co-accused Bablu Tiwari who is the son of petitioner nos.1 and 2. On these grounds, learned counsel seeks that the petitioners be released on pre-arrest bail.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Having considered the rival submissions made on behalf of the parties and the record reveals that the victim has



been handed over to the parents and she has accepted in her statement recorded under Section 164 Cr.P.C. that she has willingly married with co-accused Bablu Tiwari who is the son of the petitioner nos. 1 & 2, I find that the petitioners have, *prima facie*, made out a case to be released on bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned CJM, Saran at Chhapra in connection with Sonpur P.S. Case No. 515 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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