

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33710 of 2024

Arising Out of PS. Case No.-51 Year-2024 Thana- MADHUBAN District- East Champaran

1. SANJAY CHAUDHARY @ SANJAY CHAUDHARI SON OF LATE UDAY CHAUDHARY Resident of Village - Gandhi Chowk, Madhuban Dakshani, Ward No. 7, P.S.- Madhuban, District - East champaran
2. USHA DEVI WIFE OF SANJAY CHAUDHARY @ SANJAY CHAUDHARI Resident of Village - Gandhi Chowk, Madhuban Dakshani, Ward No. 7, P.S.- Madhuban, District - East champaran
3. JYOTI KUMARI DAUGHTER OF SANJAY CHAUDHARY @ SANJAY CHAUDHARI Resident of Village - Gandhi Chowk, Madhuban Dakshani, Ward No. 7, P.S.- Madhuban, District - East champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Advocate

For the Opposite Party/s : Mr. Madan Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 23-07-2024 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 365, 366A, 504 and 506/34 of the Indian Penal Code and Section 8 of the POCSO Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and the informant alleges that his minor daughter, aged about 17 years, on 05.02.2024, at about 09:30 p.m., had gone to dispose garbage but did not return. Thereafter, a hectic search was made and the



informant came to know that one Aman Kumar had forcibly taken her on a motorcycle, accordingly, he went to the house of Aman Kumar when petitioners abused him thus alleges that accused petitioners in connivance with Aman Kumar got his daughter kidnapped.

4. Learned counsel for the petitioners submits that from tenor of the allegation as alleged in the FIR, it appears that Aman Kumar and the victim were in love and they eloped. It is further submitted that petitioners being father, mother and unmarried sister of Aman Kumar have been implicated in the present case in order to coerce Aman Kumar into submission. It is next submitted that the victim came back and her statement was recorded under Section 164 Cr.P.C. wherein she has supported the case of the prosecution and has stated that Aman Kumar in connivance with the petitioners kidnapped her. It is also submitted that it does not appear probable that father, mother and unmarried sister would have helped Aman Kumar in kidnapping the victim. It is further submitted that after the victim came back, the statement under Section 164 Cr.P.C. was recorded under parental pressure.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.



6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten 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 Madhuban P.S. Case No. 51 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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