

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48840 of 2024

Arising Out of PS. Case No.-447 Year-2023 Thana- BASANTPUR District- Siwan

1. Satyadeo Sahni @ Satyadeo Kumar Sahni S/o Late Shiv Balak Sahni R/o vill - Usri, Saharkola, P.S. - Basantpur, Distt. - Siwan
2. Sarita Devi @ Sarita Kumari W/o Satyadeo Sahni @ Satyadeo Kumar Sahni R/o vill - Usri, Saharkola, P.S. - Basantpur, Distt. - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh

For the Opposite Party/s : Mr. Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 18-09-2024 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 offence punishable under Sections 363, 366A/34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that the case was taken up on 19.08.2024, when case diary along with the statement of the victim recorded under section 164 Cr.P.C. was called for but then the case diary has not been received and only the statement of the victim recorded under section 164 Cr.P.C. has been sent.

4. The learned counsel for the petitioners submits that



petitioners have antecedent of one case, as pleaded in the supplementary affidavit. It is next submitted that informant alleges that her minor daughter, aged about 16 years, on 14.08.2023 was going to school, when the petitioners along with nine named accused persons started abusing her and kidnapped her, further the informant went to the house of the accused persons and requested them to return the victim but the accused persons abused and assaulted her, thus alleges that the accused persons may kill her.

5. The learned counsel for the petitioners submits that from perusal of the F.I.R., it would manifest that the same has been instituted on 22.08.2023, when the date of occurrence is 14.08.2023, as such, the F.I.R. has been instituted, after a delay of 8 days, which casts an aspersion on the case of prosecution, more so, when the informant in the F.I.R. alleges that she came to know about the kidnapping of her daughter on 14.08.2023 itself. It is next submitted that out of 11 accused persons named in the F.I.R., 3 of them are women and the petitioner no.2 in the instant anticipatory bail application is also a woman and is wife of petitioner no.1. It is further submitted that the victim was in love with Piyush, son of the petitioners and they had eloped. It is next submitted that after the case was instituted, the victim



came back and her statement under section 164 Cr.P.C. was recorded, wherein she disclosed her age as 18 years but then supported the case of the prosecution. It is submitted that the statement of the victim was recorded under parental pressure. It is also submitted that from perusal of the statement of the victim recorded under section 164 Cr.P.C., it would manifest that the victim has stated that she was going to school, when Piyush along with his parents put something in her mouth, on account of which, she became unconscious and when she regained her consciousness, she saw herself in a train and she made all endeavour to get herself freed but then Piyush assaulted her and threatened that she will be thrown from the train, she has further stated that Piyush even established forceful physical relation. It is submitted that it absolutely does not stand to reason that if the victim on train was trying to get herself freed from the clutches of Piyush and Piyush assaulted then what the passengers in the train were doing, which amply demonstrates that the victim accompanied Piyush without any protest. It is thus submitted that this fact demonstrates that Piyush and the victim were in love and she also disclosed her age as 18 years, as such, she was a major on the date of occurrence and had eloped with Piyush but then petitioners being parents of Piyush came to be



implicated. It is next submitted that Piyush was taken in custody but was granted bail.

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

7. 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 learned trial court where the case is pending/successor court in connection with Basantpur P.S. Case No.447/2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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