

Arising Out of PS. Case No.-498 Year-2019 Thana- MAJHAULIA District- West Champaran

- Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Syed Mojibur Rahman, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 17-12-2024 Heard Mr. Sanjeev Kumar, learned Advocate
appearing on behalf of the petitioners and the learned Additional
Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Manjhaulia P.S. Case No. 498 of 2019, registered for the offences punishable under Sections 363, 366A and 34 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that on 16.09.2019 at about 04:00 A.M., the daughter of the informant went to attend the call of nature, but she did not return. In course of search, the informant came to know that the petitioner no. 2 has enticed away the minor daughter of the informant with the help of the petitioner no. 1 and others for illicit purposes.



4. Learned Advocate appearing on behalf of the petitioners submits that the narrations made in the FIR clearly suggest that the victim left her home on 16.09.2019, but surprisingly the present FIR has been instituted on 20.09.2019. Moreover, during the course of investigation the statement of the victim was recorded under Section 164 of the Code of Criminal Procedure, wherein she has not named any of the petitioners, rather she refused to identify them. It is also the contention of learned Advocate for the petitioners that on realizing the fact that the FIR has been instituted mistakenly on suspicion, therefore the informant and the victim have also filed an application before the Court below showing the innocence of the petitioners. A copy of the such application has also been placed on record as Annexure P/4. It is lastly contended that the victim was also examined by the doctor where her age has been assessed between 15 to 17 years and no recent sign of sexual assault has been found. In the aforesaid premise, irrespective of the fact they have been implicated in the case, have not approached the Court as they were under impression that the police would submit final form, showing them innocent, but the same has not been done and, as such, the petitioners rushed to the Court for grant of anticipatory bail after some delay.

5. On the other hand, learned Advocate for the State



opposed the pre-arrest bail application and submits that the petitioners have been evading their arrest.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure wherein she has not made any allegation against the petitioners, coupled with the fact that the petitioners are persons of fair antecedent and during the course of investigation no other materials have come, let the petitioners above named be released on bail, in the event of their arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate in connection with Majhaulia P.S. Case No. 498 of 2019, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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