

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71950 of 2023

Arising Out of PS. Case No.-135 Year-2023 Thana- CHAPRA MUFFASIL District- Saran

1. Suganti Devi W/O Mosaheb Mahto Village- Mangaidih, Ps. Mufassil Chapra, Dist. Saran
2. Dharmendra Kumar @ Dhamendra Kumar S/O Mosaheb Mahto Village- Mangaidih, Ps. Mufassil Chapra, Dist. Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sapna Kumari, W/o Anil Kumar, r/o vill-Mangaidih, PS Mufassil Chapra, Dist-Saran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Prabhakar Singh, Advocate
For the Opposite Party/s	:	Mr.Satya Nand Shukla, APP
For the Informant	:	Mr. Ankur Prakash Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 21-03-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Chapra Muffasil PS case no. 135 of 2023, disclosing offences punishable under Section 366/34 of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that the daughter of the informant has been kidnapped by the petitioners along with other co-accused persons.
4. Learned Counsel for the petitioners submits that petitioners have been made accused merely because they happen



to be the mother and brother of co-accused Anil Kumar, with whom the victim girl was having love relation. Learned counsel further submits that the statement of the victim girl under Section 164 Cr.P.C. was recorded under the pressure of the family, which would be evident from the affidavit filed by the victim girl in this Court, stating that her parents made pressure upon her and on the basis of their threat, deponent gave statement under Section 164 Cr.P.C., which is not true.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that victim girl was a minor, aged about 17 years on the date of occurrence and petitioners have not produced any material to show that the girl was major. He further submits that in the statement recorded under Section 164 Cr.P.C., the victim girl has disclosed the name of the petitioners, who were also present at the time of kidnapping.

6. Regard being had to the submissions made on behalf of the parties and taking into consideration the statement made by the victim girl in her affidavit and the fact that the petitioners are mother and brother of the co-accused, with whom the victim girl was having love relationship, I am inclined to grant the privilege of anticipatory bail to the petitioners.



7. This application is, accordingly, allowed.
8. Let petitioners, abovenamed, 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 C.J.M., Saran in connection with Chapra Muffasil PS case no. 135 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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