

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80758 of 2023

Arising Out of PS. Case No.-341 Year-2023 Thana- JOGAPATTI District- West Champaran

1. HARENDRA PATEL SON OF LATE BHUKHAL PATEL R/O VILLAGE- NAYA BASTI SANICHARI, P.S.- YOGAPATTI SANICHARI (O.P.), DIST.- WEST CHAMPARAN
2. RAMBHA DEVI WIFE OF HARENDRA PATEL R/O VILLAGE- NAYA BASTI SANICHARI, P.S.- YOGAPATTI SANICHARI (O.P.), DIST.- WEST CHAMPARAN
3. LALAN PATEL SONOF CHITAMAN PATEL R/O VILLAGE- SHRINAGAR, P.S.- SHRINAGAR, DIST.- WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Yogapatti P.S. Case No. 341 of 2023 dated 23.07.2023 instituted for the offence punishable under Sections 366(A), 504, 506/ 34 of the IPC.

3. As per prosecution case, daughter of the informant was abducted twice by the accused persons first on 12.06.2023 and on the action of the police, she was recovered on 26.06.2023. Thereafter, on 11.07.2023, the daughter of the informant, as alleged, was again kidnapped by the FIR named



accused persons for the purpose of marriage. It is also alleged that the FIR named accused persons have also threatened the informant through social media like Facebook and Instagram that they would kidnap and kill his daughter and his all family members.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have been falsely implicated in this case. It is submitted that petitioners no.1 and 2 are the parents of Raj Kumar Patel respectively and petitioner no.3 is his uncle. It is next submitted that before lodging of the present case, the informant has also lodged Yogapatti PS Case No. 270/2023 against the petitioners and Raj Kumar Patel in which the victim has been recovered and she has stated that she had willfully fled away from her house with Raj Kumar Patel and solemnized marriage. The present case has been lodged because the said victim (informant's daughter) has disappeared. The victim girl, in her statement recorded under Section 164 CrPC, has not supported the prosecution story in Yogapatti PS Case No. 270/2023 and denied the allegation of kidnapping. Lastly, it has been submitted that petitioner no. 1 has got two criminal cases against him while petitioners no. 2 and 3 have got only one criminal case each pending against them.



5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Yogapatti P.S. Case No. 341 of 2023, they will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO-cum-A.D.J VI, Bettiah, West Champaran, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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