

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85477 of 2023

Arising Out of PS. Case No.-471 Year-2023 Thana- DARIYAPUR District- Saran

1. Deepak Kumar Chauhan @ Deepak Kumar Son of Bhodan Chauhan
Resident of Village - Beur Mushhari, P.S. - Beur, District - Patna
2. Ankit Kumar Son of Bhodan Chauhan Resident of Village - Beur Mushhari,
P.S. - Beur, District - Patna
3. Mamta Devi Wife of Bhodan Chauhan Resident of Village - Beur Mushhari,
P.S. - Beur, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Md. Iftekhhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Dariyapur P.S. Case No. 471 of 2023, registered on 27.07.2023 for the offences under Sections 366A/34 of the Indian Penal Code.

3. As per prosecution case, the minor daughter of the informant went missing and the informant named the petitioners for being involved in enticing away his minor



daughter with intention of marriage.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The petitioner no. 3 is mother and petitioner nos. 1 and 2 are her sons and prosecution story is not believable that they would come together and kidnap the minor daughter of the informant. The case has been lodged merely on suspicion. The informant and the petitioners are staying 50 kms away and are resident of two different villages. As the relationship of the uncle of the victim and father of petitioner nos. 1 and 2 is not good so the uncle of the victim got registered this false case. The victim has been recovered and her statement under Section 164 Cr.P.C. was recorded but she did not name the petitioners for being involved. Falsity of the case is as apparent from the delay in lodging the FIR since for an occurrence 20.07.2023 the FIR has been lodged on 27.07.2023 and the delay has not been explained. The petitioners the poor persons and earn their livelihood by doing menial jobs. Petitioner nos. 1 and 2 wash utensils in hotel and petitioner no. 3 is working as maid servant and father of petitioner nos. 1 and 2 has not been made accused purposely by the informant and he is bed ridden. The petitioners have got no criminal antecedent.



5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that the petitioners have been named for enticing away the minor daughter of the informant with intention of marriage.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the statement of the victim girl is not taking the names of the petitioners for being involved and further considering the possibility of false implication, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Saran at Chapra/concerned court in connection with Dariyapur P.S. Case No. 471 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the



court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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