

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No. 3301 of 2020

1. Kailu Bhuiyan alias Kaila Bhuiyan

2. Kushmari Devi

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Petitioners

Vs.

The State of Jharkhand

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Opposite Party

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CORAM: HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

Through Video Conferencing

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For the Petitioners : Mr. Anurag Kashyap, Advocate

For the State : Mr. Subodh Kr. Dubey, A.P.P.

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Order No. 02

Dated 09<sup>th</sup> September, 2020

Heard the learned counsel for the respective sides.

The petitioners apprehend their arrest in connection with Lesliganj P.S. Case No. 145 of 2018.

The daughter of the informant was abducted by Dilip Kumar and she was taken to Punjab where she was subjected to rape. It has been alleged that Dilip Kumar returned back to the village and kept the daughter of the informant confined.

The petitioners are the parents of Dilip Kumar who are alleged to have facilitated the abduction.

Learned counsel for the petitioners submits that the entire gamut of allegation points towards Dilip Kumar of taking away the minor girl of the informant to Punjab, committing rape upon her and thereafter bringing her back to the village. Learned counsel submits that on the very next day after Dilip Kumar and the girl returned, the father of the girl had come to the house of the petitioners and had taken away the girl with him. It has been stated that since the petitioners are the parents of Dilip Kumar, they are alleged to have facilitated the enticement.

Learned APP has opposed the prayer for anticipatory bail made by the petitioners.

The role of the petitioners being the parents of Dilip Kumar appears to be very limited. The same also is diluted in view of the fact that on the very next day the victim girl was taken away by her father and therefore it cannot be said that the petitioners were involved in confining the victim. So far as the allegation of rape is concerned, the same is levelled against Dilip Kumar and that too when he had enticed away the girl and taken her to Punjab.

Regard being had to the aforesaid facts, I am inclined to grant anticipatory bail to the petitioners. The petitioners accordingly are directed to surrender before the learned court below within four weeks from today and

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on such surrender, they shall 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 Special Judge (POCSO), Palamau at Daltonganj, Palamau at Daltonganj in connection with Lesliganj P.S. Case No. 145 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

This application stands allowed.

(RONGON MUKHOPADHYAY,J.)

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