

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31015 of 2015

Arising Out of PS.Case No. -8 Year- 2015 Thana -BELA District- SITAMARHI

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Santosh Mahto @ Santosh Kumar Son of Gobind Mahto Resident of
village - Bahuarwa, P.S. Bela, District - Sitamarhi

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pushpendra Kumar Singh, Advocate.

For the Opposite Party : Mr. Khurshid Anwar, (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 02-12-2015 Heard both sides.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 147, 149, 341, 323,
379, 493, 504 and 506 of the Indian Penal Code.

Usha Kumari the informant alleged that her father
lodged Bela P.S. Case No. 67 of 2014 under Sections 363, 366A
and 34 of the Indian Penal Code. She alleged that the petitioner
allured her and established physical relation with her.

It is submitted that Usha Kumari, the informant of the
case made her statement under Section 164 of the Cr.P.C. in Bela
P.S. Case No. 67 of 2014 wherein she disclosed her age to be 20
years. She admitted that she voluntarily married with Santosh
Mahto @ Santosh Kumar, the petitioner, but later on she resiled

from her statement that she was willing to live with her husband and consequently she filed the present case making false allegation of her kidnapping and establishment of forcefully physical relation with her by the petitioner. The petitioner has already been enlarged on anticipatory bail in Bela P.S. Case No. 67 of 2014 vide orders passed in Cr. Misc. No. 38638 of 2014 on 31.03.2015. The present case is filed when the informant came out after making her statement under Section 164 of the Cr.P.C.

Considering the facts aforesaid, the petitioner above named, in the event of his 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Deepak Kumar, the learned Judicial Magistrate 1st Class, Sitamarhi in Bela P.S. Case No. 08 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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