

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56136 of 2015

Arising Out of PS.Case No. -332 Year- 2014 Thana -BARHARIA District- SIWAN

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1. Nandani Devi Wife of Fagu Mahto,
2. Saroj Devi, Wife of Harendra Mahto,
3. Jilaba Devi, Wife of Dudh Nath Mahto,
4. Usha Devi, D/o Fagu Mahto,
5. Harendra Mahto, Son of Fagu mahto,
6. Brahma Mahto @ Parmanand Mahto, Son of Baudha Mahto, All
Resident of Village - Gaushi Hata, P.S. - Barhariya, District - Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. R.B. Roy Raman (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-12-2015

Heard learned counsel for the petitioners and the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 366, 376, 406, 323/34 of the Indian Penal Code.

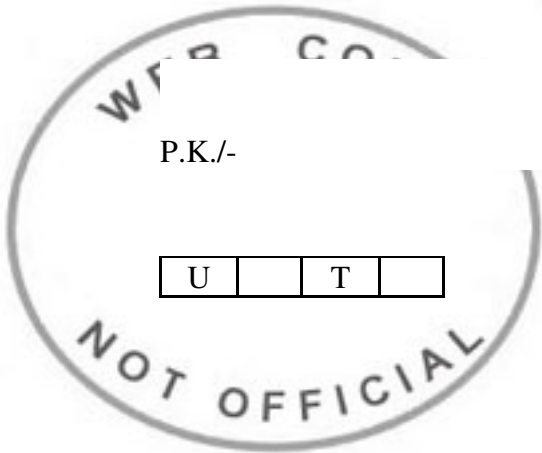
The prosecution case is that the accused persons including the petitioners came and instigated the informant to elope with Nagendra Mahto along with ornaments and cash of Rs. 35,000/-. But subsequently, informant's ornaments and cash were taken and ousted

her from matrimonial house.

It is submitted by the learned counsel for the petitioners that earlier Rajendra Mahto, the father-in-law of the informant lodged Barhariya P.S. Case No. 52 of 2014 levelling accusation under Section 366 of the Indian Penal Code. It is further submitted that the informant was being kidnapped by Nagendra Mahto, wherein the informant in 164 Cr.P.C. statement stated that though she was married with Santosh Mahto, but due to infliction of torture and assault she established physical relation with her husband's cousin brother Nagendra Mahto and became pregnant. Since the father-in-law was not ready to keep her in the house, hence, the present case has been lodged. In 164 Cr.P.C. statement the accusation is not specific against the petitioners, though the petitioners are family members of alleged Nagendra Mahto.

Considering the inconsistent stand in the present case and in 164 Cr.P.C. statement of the victim in the case lodged by her father-in-law, let the above named petitioners be released on bail in the event of their arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan in connection with Barhariya P.S. Case No. 332 of 2014, subject to conditions as laid down under

Section 438(2) of the Code of Criminal Procedure.



(Dinesh Kumar Singh, J)