

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39310 of 2014

Arising Out of PS.Case No. -112 Year- 2012 Thana -BEERPUR District- BEGUSARAI

Ashok Mahto son of Sonelal Mahto, resident of Vill. Kharmauli, P.S.
Birpur, Distt. Begusarai

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

3 14-01-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in Birpur P.S. Case No. 112
of 2012 dated 20.12.2012 instituted under Sections
366A/363/120B/364 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per
the allegation he along with four others are said to have abducted
the minor daughter of the complainant/informant but it was a case
of love affair and the girl had voluntarily married the petitioner, in
support of which they have also affirmed an affidavit. Learned



counsel submits that the girl herself returned to her home and the medical examination has not found any evidence of rape. It is further submitted that as per the medical report the age of the girl has been opined to be between 17-19 years. Learned counsel submits that other co-accused have been granted bail and the petitioner having clean antecedent is in custody since 10.06.2014. It is further submitted that the statement made by the girl under Section 164 of the Code of Criminal Procedure, 1973 alleging wrong act done by the petitioner is falsified by the medical report.

Learned A.P.P., upon going through the case diary, opposes the prayer for bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Judicial Magistrate, 1st Class, Begusarai in Birpur P.S. Case No. 112 of 2012. One of the bailors shall be the father of the petitioner. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to

cancellation of his bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

(Ahsanuddin Amanullah, J)

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