

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30515 of 2015

Arising Out of PS.Case No. -132 Year- 2015 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

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1. Ram Narayan Mahto S/o Hiralal Mahto
2. Laxmi Devi W/o Ram Narayan Mahto
Both the petitioners are resident of village – Pakauli, P.S. Bidpur, District – Vaishali.
3. Shivchandra Rai S/o Late Nanhku Rai
R/o Village - Rajasan, P.S. - Bidupur, Distt.- Vaishali
..... Petitioner/s

Versus

The State of Bihar
..... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi

For the Opposite Party/s : Mr. Pradip Nr. Kumar (App)

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 30-10-2015 Learned counsel for the petitioner files supplementary affidavit seeking correction of the address of petitioner no. 1 and 2.

In the said supplementary affidavit, the correct address of petitioner no. 1 and 2 is mentioned as resident of village – Pakauli, P.S. Bidpur, District – Vaishali.

In the light of the supplementary affidavit filled by the petitioners, let the address of petitioner nos. 1 and 2 be corrected as mentioned therein.

Heard learned counsel for the petitioners and learned counsel for the State.

The petitioner apprehends his arrest in connection with

Bidupur P.S. Case No. 132 of 2015 registered for the offences punishable under Sections 363 and 366(1) of the Indian Penal Code.

Learned counsel for the petitioners submits that the allegation leveled against the petitioners is farfetched. However, after perusing the case diary, learned counsel for the State submits that in paragraph-22 of the case diary, it has come that the victim was a minor girl aged between 14-17 years and she was taken away by Laxmi Devi wife of petitioner no.1, namely, Ram Narayan Mahato and she was handed over to Dilip Kumar, with whom she married subsequently. So far as petitioner no. 1 and 3 is concerned, there is no material in the case diary to implicate them.

In view of the aforesaid facts and circumstances of the case, I am not inclined to grant bail to petitioner no.2. Accordingly, the anticipatory bail application as against petitioner no. 2 is rejected.

So far as petitioner nos .1, and 3, are concerned, there is no material in the case diary to implicate them, let the petitioner no.1,namely, Ram Narayan Mahto and petitioner no. 3, namely, Shivchandra Ra, in the event of their 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, be enlarged on bail on

furnishing bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 132 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

However, it is made clear that if the petitioner no. 2 surrender and seek regular bail within a period of four weeks, from the date of receipt/production of a copy of this order, the Court below may consider the regular bail application of the petitioner no. 2 on the same day without being prejudiced by the present order.

(Anjana Mishra, J)

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