

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37564 of 2016

Arising Out of PS.Case No. -17 Year- 2016 Thana -PHENHARA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Dhaneshwar Mahto S/o Mangal Mahto
 2. Juhi Kumari D/o Mangal Mahto
 3. Mangal Mahto S/o Mushar Mahto, all R/o Village Chauhan Chapra,
P.S.-Phenhara, Distt-East Champaran
 4. Shivakalya Devi @Shivakali Devi S/o Shanker Mahto, R/o Village-
Dhanhara, P.S. Shyampur Bhatha, Distt-Shivhar

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Opposite Party/s : Mr. M. Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

4 24-10-2016 Heard the counsel for the petitioners and Mr. M. Dayal,

APP for the State.

The petitioner nos. 2 to 4 have prayed for anticipatory bail
in connection with Phenhara P.S. Case No. 17 of 2016 registered
under Sections 363, 366A/34 of the Indian Penal Code lodged by
the mother of the victim.

In substance the allegation is that the daughter of the
informant was married with Santosh Mahto. After marriage, her
husband had gone to Punjab to earn livelihood. In his absence,
the accused(s) persons enticed her daughter away for the purpose
of marriage or selling her.



The counsel for the petitioners states that the First Information Report has been lodged on suspicion. The victim made her statement under Section 164 Cr.P.C. in which she implicates the entire family members. However, specific allegation of subjecting her to rape is attributed to Hari Mahto. Another co-accused of this case has been released on anticipatory bail by a coordinate Bench of this Court vide order dated 18.10.2016 passed in Cr. Misc. No. 34489 of 2016. The petitioner nos. 2 and 4 are similarly the female accused(s). They stand on identical footing.

Learned APP, on the other hand, states that in the statement under Section 164 of Cr.P.C., there is allegation against all accused(s) persons but specific allegation of rape is attributed to co-accused, namely Hari Mahto.

Considering the fact that another female co-accused(s) of the case has been granted the privilege of anticipatory bail, I am persuaded to extend the same privilege to petitioner nos. 2 (Juhi Kumari) and 4 (Shivakalya Devi).

The prayer for bail on behalf of the petitioner no. 3 (Mangal Mahto) is rejected.

Let the petitioner nos. 2 and 4, in the event of arrest/surrender within four weeks from today, be released on bail

on furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of A.C.J.M. 12, Motihari in Phenhara P.S. Case No. 17 of 2016 subject to the condition as laid down under Section 438(2), the code of Criminal Procedure with further condition that one of the bailors shall be her own/close family member. The petitioners shall appear on each date fixed at the trial. In case of default in appearance on two consecutive dates, the trial court shall have liberty to cancel their bail bonds.

(Kishore Kumar Mandal, J)

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