

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2111 of 2016

Arising Out of PS.Case No. -139 Year- 2015 Thana -BARAULI District- GOPALGANJ

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1. Pappu Mahto S/o Bijul Mahto, resident of Pipra, P.S Barauli, Distt. Gopalganj
 2. Mangaru Mahto @ Mangaru Kumar S/o Jattu Mahto Resident of Vill.- Naya Tola Hakam, P.S.- Mahammadpur, Distt.- Gopalganj presently residing at C/O Dwarika Mahto, Vill.- Pipra, P.S. Barauli, Distt.- Gopalganj.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sanjay Kumar(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 16-03-2016 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Petitioners apprehend their arrest in connection with Barauli P.S. Case No. 139 of 2015, pending in the Court of Sri Amit Kumar Pandey, learned Judicial Magistrate, 1st Class, Gopalganj, registered for the offence punishable under Sections 366A, 370, 120B of the Indian Penal Code.

The prosecution case, in brief, is that Rambha Kumari, daughter of the informant was working as domestic help in the house of one Dwarika Mahto. On 07.06.2015, she along with



Sandhya Kumari had gone to Barauli market for purchasing house-hold articles. At about 4:00 P.M. when informant did not find his daughter at home, he started searching her, but she could not be traced. It is alleged by the informant that his minor daughter has been kidnapped by the accused persons for the purpose of prostitution trade.

It has been submitted by the counsel for the petitioners that petitioners have clean antecedent. It has further been submitted that due to personal enmity regarding another case, petitioners have falsely been implicated.

However, learned A.P.P. for the State submits that from perusal of paragraph 29 of the case diary, it appears that age of the victim girl has been assessed between 17 – 18 years and there is no evidence of recent sexual assault, but from perusal of paragraph 32 of the case diary, which is the statement of the victim girl recorded under Section 164 of the Cr.P.C, it appears that she has stated that both the petitioners established physical relationship with her and named other co-accused, who were instrumental in her kidnapping.

Under such circumstances, since there is direct allegation of kidnapping and sexual assault against these

petitioners, I am not inclined to grant them the privilege of anticipatory bail. Their prayer for anticipatory bail is, accordingly, rejected.

(Nilu Agrawal, J.)

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