

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34498 of 2016

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

- =====
1. Hari Mahto S/o Sudama Matho.
 2. Mangari Devi @ Kanti Devi w/o Sudama Mahto, D/o Late Nagendra Manto resident of Village- Chauhan Chapra, P.S.- Phenhara, Distt- East Champaran.

.... Petitioner/s

Versus

1. 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. Sri Shyam Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 18-10-2016 Heard both sides.

The petitioners apprehend their arrest in Phenhara P.S. Case No. 17 of 2016, registered for the offences punishable under Sections 363, 366A and 34 of the Indian Penal Code.

The informant alleged that her daughter Anchala Devi was married to Santosh Mahto. Her son-in-law went to Punjab for livelihood and her daughter was living with her but the petitioners and other accused persons enticed her daughter and took away with them for the purpose of marriage.

Learned counsel for the petitioners submits that the informant is not an eye-witness of the occurrence. Juhi Kumari is

alleged to have disclosed that the petitioners and others took away her daughter. The victim made her statement under Section 164 of the Cr.P.C. and she disclosed that all the accused persons took away her to different places but Hari Mahto committed rape with her.

It appears that the victim is a major girl as she is married but while she was moving along the accused she did not raise any hue and cry against the petitioners and other accused persons, but she made specific allegation of rape against Hari Mahto.

Considering the facts aforesaid, I am not inclined to enlarge petitioner no. 1 Hari Mahto above named on anticipatory bail. Accordingly, the same is rejected.

So far as the case of petitioner no. 2 Mangari Devi @ Kanti Devi is concerned, there is no specific allegation against her and she is a lady.

Considering the facts aforesaid, petitioner no. 2 Mangari Devi @ Kanti Devi above named in the event of her 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each

to the satisfaction of the learned Additional Chief Judicial Magistrate XII, Motihari in connection with Phenhara P.S. Case No. 17/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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