

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25933 of 2016

Arising Out of PS.Case No. -225 Year- 2014 Thana -MUFFASIL District-
WESTCHAMPARAN(BETTIAH)

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1. Mukti Mahto @ Mukti Nath Prasad Son of Shri Chandra Deo Mahto
 2. Nitish kumar Son of Mukti Nath Prasad
 3. Achhelal Kumar@Achhelal Bin son of Rajendra Bin.
 4. Sanju Devi Wife of Om Prakash All are Resident of Village-Psras Pakari, Police Station- Bettiah Muffasil, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

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

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 11-07-2016

Heard the counsel for the petitioners and informant.

The petitioners apprehend their arrest in connection with Bettiah Muffasil P.S. case no. 225 of 2014, registered under Sections 363,365/34 of the IPC and Section 8/12 of the POCSO Act.

In relation to the occurrence having been committed on 9.6.2014, the FIR was lodged on 11.6.2014 naming the petitioners amongst others as accuseds with an allegation that when minor daughter of the informant went to attend the call of nature she was kidnapped by the accused persons. Two mobiles were found lying in the place of occurrence. One belonged to the



petitioners. On retrieval, the statement of the victim girl was recorded on 2.7.2014 under Section 164 Cr. P.C. (Annexure-2) wherein the victim girl asserted herself as major inasmuch as the learned Magistrate assessed her age as 17 years. It is stated that after recording of the statement the victim was released on an application filed by one Promod Kumar with whom she claims to be in affairs. The victim has now a minor child also born from the wedlock. The investigation of the case was carried out and the final form was submitted finding it to be a mistake of fact. However, the learned Magistrate recently differ with the report and took cognizance. The petitioners have no criminal antecedent.

After having heard the counsel for the petitioners as well as the informant and on consideration of the facts, noted above, this Court is inclined to extend the privilege of anticipatory bail to the petitioners. Let the petitioners, named above, in the event of their arrest/surrender before the learned Court below within a period of four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Additional District and Sessions Judge cum Special Judge, West Champaran at Bettiah, in connection with Bettiah Muffasil Police Station Case No. 225 of 2014, subject to the

condition as laid down under Section 438 (2) of the Cr.P.C. with further following conditions:-

- (i)

One of the bailors shall be the own/close family member of the petitioner(s).
- (ii)

As soon as the charges are framed the petitioner(s) shall appear in person before the trial court on the date(s) fixed at the trial. In case of default in such appearance on two consecutive dates, the trial Court shall have liberty to cancel the bail bonds of the petitioner(s) and secure their arrest in accordance with law.

(Kishore Kumar Mandal, J)

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