

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.2007 of 2017**

Arising Out of PS.Case No. -180 Year- 2016 Thana -GAUTAMBUDHNAGAR District- SIWAN

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1. Birendra Mahto, son of Late Hira Mahto, resident of Village- Rouja Gour, P.S.- J.V. Nagar, District- Siwan.

.... .... Appellant/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Rakesh Kumar Tiwary

For the Respondent/s : Mr. Sri Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL ORDER**

3      05-09-2017              The appellant seeks regular bail in connection with Gautambudhnagar P.S. Case No. 180 of 2016, registered for offences punishable under Sections 341, 323 and 498(A) of the Indian Penal Code, and Section 3/4 of Dowry Prohibition Act and subsequently converted section of 376 of Indian Penal Code and Section 3(i)(2) of SC/ST Act.

It has been submitted on behalf of the appellant that he has falsely been implicated in this case and the girl is a major. It has further been submitted that in this case statement of girl under Section 164 Cr.P.C. has been recorded, which clearly shows that she is interested in taking the share of land and accepted the fact that marriage has not been solemnized. It has also been submitted that even if the F.I.R is believed to be true, she appears to be a



consenting party. Further appellant has been in judicial custody since 04.09.2016.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the and further the appellant has been in judicial custody for last one year, as such, this appeal is allowed and impugned order is set aside, let the appellant above named, be released on bail on furnishing bail bonds of Rs. 25,000 (Rs. Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Siwan, in connection with Gautambudhnagar P.S. Case No. 180 of 2016, subject to the following conditions:-

- (i) One of the bailors of the appellant shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The appellant will not induce any witness or tamper with the evidence.
- (iii) The appellant shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the



court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move for cancellation of his bail bonds.

**(Vinod Kumar Sinha, J)**

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