

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34691 of 2017

Arising Out of PS.Case No. -32 Year- 2016 Thana -SONBERSA District- SITAMARHI

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1. Lalbabu Mahto S/o Late Lakshmi Mahto resident of Village Madhiya
P.S. Sonbarsa District Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Adv.

For the Opposite Party/s : Mr. Sri Parmeshwar Mehta, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 11-09-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
25.03.2017 in connection with Sonbarsa P.S. Case No. 32 of 2016
for offences punishable under Sections 363 and 366-A/34 of the
Indian Penal Code.

The prosecution case, as lodged by the informant, is
that petitioner's wife, Kanti Devi came to the house of the
informant and took away his 14 years old daughter, Nilam Kumari
with her. It is alleged that the petitioner is also involved in the said
abduction.

It has been submitted by the learned counsel for the



petitioner that he is innocent, bears no criminal history and he is 49 years old person with three children and it is not probable that his wife will take away the minor daughter of the informant to her husband and her husband will commit rape on her. He submits that although the victim lady has stated that she was taken to Delhi by the petitioner there is no allegation of any co-ersion by the petitioner. It is further stated that F.I.R. has been lodged after six days of the occurrence for which no plausible explanation has been given and that charge-sheet has already been submitted and there is no chance of tampering with the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail stating therein that the victim girl is a minor and was found pregnant by the Medical Board which amounts to rape of minor girl by the petitioner.

Considering the facts and circumstances and the materials on record, I am not inclined to grant privilege of bail to the petitioner at this stage, in connection with Sonbarsa P.S. Case No. 32 of 2016 pending before learned Chief Judicial Magistrate, Sitamarhi.

However, the petitioner may renew his prayer for bail after



six months.

(Nilu Agrawal, J)

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