

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29062 of 2017

Arising Out of PS.Case No. -206 Year- 2016 Thana -BHANGWANPUR HAT District- SIWAN

- =====
1. Birendra Mahto @ Birendra Kumar, son of late Deonarayan Mahto,
 2. Laguni Kuwar @ Lagani Devi, w/o of late Deonarayan Mahto, both are resident of village- Lahuri Kauria, P.S.- Bhagwanpur Hat, District-Siwan.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 21-07-2017

Heard learned counsel for the Petitioners and the State.

The Petitioners apprehend their arrest in Bhagwanpur Hat P.S. Case No.206 of 2016 instituted for the offence under Section(s) 366-A, 376,120-B/34 Indian Penal Code and Section 34 of POCSO Act.

It has been submitted that the occurrence is said to have taken place on 23.05.2016 and the complaint has been filed on 22.09.2016. There was no medical examination of the victim girl.

Learned APP has submitted that there is specific allegation against petitioner No.1 of kidnapping the victim girl and committing illegal act with her for several days after



confining her in a room.

From the Complaint Petition, it appears that there is specific allegation against the petitioner No.1 of committing illegal act with the complainant for several days.

In view of such, this Court is not inclined to extend the privilege of anticipatory bail to the petitioner No.1-Birendra Mahto @ Birendra Kumar.

Accordingly, prayer of the petitioner No.1 for grant of anticipatory bail is rejected.

The petitioner No.1 may surrender before the Court below and seek regular bail, which shall be considered and disposed of on its own merit preferably on the same day without being prejudiced by this order.

So far as petitioner No.2, Laguni Kunwar @ Lagani Devi, is concerned, there is no allegation of any specific over act against her.

In the facts and circumstances of the case, prayer of the petitioner no.2 for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner No.2, Laguni Kunwar @ Lagani Devi, within six weeks from today in connection with Bhagwanpur Hat P.S. Case No.206 of 2016, she shall be released on anticipatory bail on furnishing bail bond of ₹10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, Siwan, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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