

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34843 of 2017

Arising Out of PS.Case No. -12 Year- 2017 Thana -AURAI District- MUZAFFARPUR

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Arun Kumar Mahto @ Arun Mahto, Son of Upendra Mahto, Resident of
Village- Panapur, P.S.- Aurai, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anish Chandra, Advocate

For the Opposite Party : Mr. Sri Nityanand Tiwary (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in connection
with Aurai P.S. Case No. 12 of 2017 (G.R. No. 324 of 2017),
registered for the offences punishable under Sections 364,
120(B)/34 of the Indian Penal Code.

Allegedly, when the daughter of the informant has
gone to attend the call of nature, she was kidnapped by
Purushottam Kumar and unknown and from the dicky of the
motorcycle of Purushottam Kumar, the cloths of the victim girl
was recovered and when the informant went at the house of
Purushottam Kumar to ask from his parents then they abused.

Submission is of false implication and that the
petitioner is not named in the F.I.R.. The informant has filed
petition stating that his daughter was having love affair with Nitu
Kumar @ Mitu Kumar and from him his daughter has performed



marriage and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that the statement of the victim girl has been recorded which is mentioned in supplementary case diary in para 11 and in her statement recorded under Section 164 Cr.P.C. she has stated that Purushottam Kumar and the petitioner kidnapped her and the petitioner was willing to marry with her, but she was not willing.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Aurai P.S. Case No. 12 of 2017, pending in the Court of learned Sub-Judge-IVth-cum- A.C.J.M., Muzaffarpur.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

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