

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39606 of 2017

Arising Out of PS.Case No. -71 Year- 2017 Thana -SAHIYARA District- SITAMARHI

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1. Shambhu Mahto , s/o Ramkrit Mahto @ Krit Mahto

2. Dukhiya Devi, w/o Shambhu Mahto

Both are resident of village Matiyar Kala, P.S. Sahiyara, District Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Sri Bisheshwar Ram, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 19-08-2017 Heard Sri Uday Kumar, learned counsel for the
petitioners and learned Additional Public Prosecutor.

Two petitioners, who are husband and wife respectively and parent of the co- accused Dharmendra Kumar, against whom there is allegation that he by luring the daughter of the informant had for several months sexually abused her and she conceived and in her womb six months foetus was there, apprehending their arrest in Sahiyara P.S. Case No. 71 of 2017 registered for the offence under section 376, 504, 506, 34 of the Indian Penal Code 1860 and section 4/6 of the Protection Of Children from Sexual Offences Act 2012 have prayed for grant of bail in the event of arrest or surrender .

Learned counsel for the petitioners by way of referring to the F.I.R. at page no. 12 submits that only allegation against



the petitioners is that while the informant visited the house of the petitioners and made complaint, the petitioners and others abused the informant. Learned counsel for the petitioners submits that there is no allegation as to whether both the petitioners had even aided their son to commit rape with the daughter of the informant.

Besides hearing, I have perused the materials available on record particularly the F.I.R. which is very much specific which suggests that petitioners have only abused the informant . Accordingly, there is no reason to deny the prayer for grant of anticipatory bail.

Accordingly in the event of arrest or surrender within a period of six weeks from today, let both the petitioner Shambhu Mahto and Dukhiya Devi be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi / concerned court in connection with Sahiyara P.S. Case No. 71 of 2017 subject to the conditions as contemplated under section 438(2) of the Code of Criminal Procedure 1973.

(Rakesh Kumar, J)

Praful/-

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