

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51231 of 2017

Arising Out of PS. Case No.-33 Year-2017 Thana- SANGRAMPUR District- East
Champaran

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1. Jalim Mahto, Son of Nathuni Mahto,
 2. Urmila Devi, W/o- Jalim Mahto,
 3. Rinku Devi, W/o- Surendra Mahto, All residents of Village-
Belava Madho, P.S.- Kotwa, District- East Champaran.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anang Mohan Sinha

For the Opposite Party/s : Mr. SRI CHAUBEY JAWAHAR

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-11-2017 Heard learned counsels for the petitioners and State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 363 and 366A of the I.P.C. and Sections 4/6 of The Protection of Children from Sexual Offences, Act, 2012.

The prosecution case, as per the written report of Ram Bahadur Pandey, is to the effect that on 12.03.2017 at 5 AM, the informant's daughter namely, Jyoti Kumari aged about 15 years, went to ease out and since she did not return till 7 AM, then the informant and others searched the victim and gave information to the relatives. Subsequently, the informant came to know that Ajay Kumar Mahto abducted the daughter of the informant for



the purpose of marriage, then the informant along with some villagers went to the house of co-accused Ajay Mahto and enquired, when the family members of Ajay Mahto including the petitioners admitted that Ajay Mahto has taken the daughter of the informant for the purpose of marriage.

It is submitted by learned counsel for the petitioners that the petitioners are the parents and aunt of Ajay Mahto. As per the FIR, the accusation of kidnapping the victim has not been levelled against the petitioners. Certified copy of the statement of the victim, recorded under Section 164 Cr. P.C., has been produced, let it be kept on record, where the victim got her age recorded as 15 years, whereas the court assessed her age as 18 years, wherein the victim has stated that on 12.03.2017, she was being abducted by Surendra Mahto, Ajay Mahto and Pradeep Mahto, who after sedating, took her by train and all the three persons forcefully established physical relationship. Subsequently, she returned to Muzaffarpur along with brother and sister-in-law (bhabhi) of Ajay Mahto, thereafter came to Bakarganj. The victim has also not named the petitioners in her statement recorded under Section 164 Cr. P.C.. Hence, no offence against the petitioners is made out.

Mr. Chaubey Jawahar, learned counsel for the State



submits that from the impugned order, it appears that the investigation is pending against the petitioners and certain witnesses during investigation, have suggested the involvement of the petitioners.

Considering the fact that the accusation of kidnapping in the FIR is not against the petitioners, victim has not named them in her statement recorded under Section 164 Cr.P.C., couple with statement made in paragraph no.3 of the petition that the petitioners have no criminal antecedent, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-14, Motihari in connection with Sangrampur P.S. Case No. 33 of 2017, subject to the condition as laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

Amrendra/-

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