

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3582 of 2017

Arising Out of PS.Case No. -117 Year- 2015 Thana -EKMA District- SARAN

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1. Harinath Mahto @ Harinate Mahto @ Harinate, S/o Late Saryug Mahto
2. Pankaj Mahto, S/o Harinath Mahto
Both Resident of Village- Bhuili, P.S.- Ekma, District- Saran at Chapra

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s : Mr. Amit Kumar Rakesh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 03-04-2017 Heard learned counsel for the petitioners and the

State.

The petitioners apprehend their arrest in Ekma P.S.
Case No.117 of 2015 instituted for the offence under Sections
328, 376, 34 of the Indian Penal Code and Sections 3/4 of the
Prevention of Child from Sexual Offences (POCSO) Act.

It has been submitted on behalf of the petitioners that
the statement of the victim girl has not been recorded under
Section 164 Cr. P.C. In paragraph-31 of the case diary, it has
come that the victim girl did not agree to give her statement under
Section 164 Cr. P.C. in spite of several attempts made by the I.O.
There is land dispute between the parties. It has further been
submitted that the independent witnesses in paragraphs 28, 29 and



30 of the case diary have stated that the petitioners have been falsely roped in this case due to enmity between them.

From the written report, it appears that when the informant returned to his house, the petitioners were seen fleeing away from there.

From the order of the learned Sessions Judge, it appears that there is no substantial material against the petitioners in the case diary.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Ekma P.S. Case No. 117 of 2015, they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, 1st, Saran at Chapra, 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) petitioners 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 petitioners tamper 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 petitioners.

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(Sanjay Priya, J)

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