

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39691 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -KHODABANDPUR District- BEGUSARAI

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1. Awadhesh Mahton @ Awadhesh Kumar Mahton son of Ram Narayan Mahton @ Batahu Mahton resident of Village - Ijraha, P.S. - Chhaurahi O.P. (Khodabandpur), District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar .
2. Ramsakha Mahton son of late Dhaniklal Mahto resident of village - Chhaurahi, P.S. - Chhaurahi (Khodabandpur), District - Begusarai.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Opposite Party/s : Mr. Sri Lakshmi Kant Sharma

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 04-09-2017 Heard learned counsel for the petitioner as well as the State.

The petitioner apprehends his arrest in Khodabandpur (Chhaurahi O.P.) P.S. Case No. 38/2017 instituted for the offences under Sections 341, 323, 363(A), 364(A), 365, 367 and 120B/34 of the Indian Penal Code.

Allegation against the petitioner is that the petitioner, being Mama of the girl Nilam Kumari, has forcibly performed marriage of Rausan Kumar after kidnapping him with Nilam Kumari. The statement of the victim boy Raushan Kumar was recorded under Section 164 of the Cr.P.C., which has been enclosed as Annexure-3, wherein, he has stated that this petitioner, being Mama of the girl, has forcibly performed his marriage with his niece.



The boy, namely, Raushan Kumar and the girl Nilam Kumari are present in the Court. They have stated that they have married voluntarily and they are living together.

Considering the facts and circumstances of the case, the prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with Khodabandpur (Chhaurahi O.P.) P.S. Case No. 38/2017, he shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Manjhaul at Begusarai, subject to the conditions as laid down under Section 438(2) of the 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 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 petitioner.

(Sanjay Priya, J.)

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