

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45663 of 2017

Arising Out of PS.Case No. -111 Year- 2017 Thana -RAJNAGAR District- MADHUBANI

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1. Ramphal Mahto Son of Late Darbari Mahto
 2. Ranjeet Mahto @ Ranjeet Kumar Son of Ramphal Mahto
 3. Urmila Devi wife of Ramphal Mahto
 4. Sunita Devi wife of Santosh Mahto All are residents of Village Jathi Simri, P.S. Rajnagar, District Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Jha, Advocate
For the Informant : Mr. Gagandeo Yadav, Advocate.
For the Opposite Party/s : Mr. Nand Kishore Pd., A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 01-11-2017 Heard learned counsel for the petitioners, learned
counsel for the informant and learned counsel for the State.

The petitioners apprehend their arrest in Rajnagar P.S.
Case No. 111 of 2017, CRI Case No. 1074 of 2017 instituted for
the offence under Sections 363, 366(A) and 504/34 of the Indian
Penal Code.

It is alleged in the written report that the daughter of
the informant namely Reena Kumari aged about 15 years had
gone for call of nature and she did not return. The informant learnt
during course of search that accused Madan Mahto who used to
come to the house of Ramphal Mahto (petitioner No.1), had taken



the daughter of the informant.

The victim girl has been examined on her recovery under Section 164 Cr. P.C. which has been enclosed as Annexure-2. The girl in her examination under Section 164 Cr. P.C. has levelled specific allegation against Madan Mahto that he took her on Motorycle and kept her in confinement for one month and established physical relationship with her. She wanted to marry with him. In her statement she has also leveled allegation against these petitioners that they have made pressure on her to go with Madan Mahto.

From the written report it appears that the informant has levelled specific allegation against Madan Mahto of kidnapping his daughter.

Learned counsel for the informant has appeared and submitted that there is allegation against Ranjeet Mahto (petitioner No.2) that he had come to the house of the informant and had taken the daughter of the informant but in the statement of the victim girl recorded under Section 164 Cr. P.C. she has levelled specific allegation against co-accused Madan Mahto.

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 Rajnagar P.S. Case No. 111 of 2017, 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 Sri Vikas Kumar Jha, learned Judicial Magistrate, 1st Class, Madhubani, 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 petitioners 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.

(Sanjay Priya, J)

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