

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31246 of 2018

Arising Out of PS.Case No. -274 Year- 2017 Thana -DARBHANGA SADAR District-
DARBHANGA

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Manoj Mahto, son of Shivjee Mahto @ Shivkari Mahto, resident of Village-
Madhpur, P.S.- Sadar (Mabbi O.P.), District- Darbhanga.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Rajeev

For the Opposite Party/s : Sri Parmanand Prasad

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 09-07-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Sadar P.
S. Case No. 274/2017 registered for offences punishable under
sections 363, 366 (A) of the Indian Penal Code (later on sections
4, 6 and 8 of the POCSO Act was added).

As per FIR, this petitioner abducted the daughter of
informant aged about 14 years for the purpose of marriage.

It has been submitted that the daughter of the
informant voluntarily left her house and married with the
petitioner. After marriage she was residing with this petitioner at
Punjab since last six months and so no offence under section 363
or 366 (A) IPC is made out. The petitioner is in custody since



12.12.2017 having clean antecedent and so he deserves bail.

The learned Additional Public Prosecutor on the other hand opposed the submission.

On perusal of FIR and case diary I find that there is specific allegation that the petitioner kidnapped the minor daughter of the informant. On secret information, the police visited Punjab and recovered the victim girl from the house of this petitioner. This petitioner was also arrested with the help of Kapurthala (Punjab) Police. The doctor has reported the age of victim in between 15-16 years. The victim has been handed over to her parents. The victim in her statement given before Magistrate has stated that this petitioner with the help of other accused kidnapped and moved her to different places and also committed rape on her.

Considering the above facts and circumstances, I am not inclined to grant bail to the petitioner. His bail prayer stands rejected.

(Sanjay Kumar, J)

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