

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45636 of 2018

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1. Surendra Mahto , S/o Late Sharvan Mahto,
2. Pradeep Kumar, S/o Shivpujan Mahto, both are resident of Village-
Narullah Dih, P.S.- Sangrampur, Distt.- East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Pandey

For the Opposite Party/s : Mr. Sri Mukesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 06-08-2018 Heard the parties.

The petitioners are apprehending their arrest in connection with Sangrampur P.S.Case No.33 of 2017 , registered for offences punishable under Sections 4/6 Protection of Children from Sexual Offences Act (POCSO Act).

Allegation against the petitioners is of kidnapping the minor daughter of the informant.

Submission of the learned counsel for the petitioners is that the petitioners are family members of one Ajay Kumar Mahto, against whom there is allegation of kidnapping the girl and the girl was produced for the medical examination where she has stated that she had married with Ajay Kumar Mahto. After two days under Section 164 of the Cr.P.C., the statement was recorded in



which she has made general allegation against Ajay Kumar Mahto and the petitioners also that they have committed rape upon her and the falsity of the case will appear from the fact that in the FIR there is allegation that the family members including the petitioners have threatened the informant whereas in the statement recorded under Section 164 Cr.P.C. there is allegation that they have also committed rape upon her.

Heard learned A.P.P. also.

Having heard both sides and in view of the facts and circumstances, as stated above , let the petitioners, above named, in the event of arrest or surrender before the court below within a period of six weeks from the date of order, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge-cum-Special Judge, POCSO Act, East Champaran in connection with Sangrampur P.S.Case No.33 of 2017 subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With following conditions :

- (i) One of the bailors of the petitioners shall be a local person having sufficient immovable property within the jurisdiction of the concerned court.
- (ii) The petitioners will not induce any witness or tamper with the evidence.
- (iii) The petitioners shall co-operate in the investigation of the case and make themselves available as and when



required by the Police, otherwise, the prosecution is free to move for cancellation of their bail bond.

With the aforesaid observation, this application is allowed.

(Vinod Kumar Sinha, J)

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