

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50375 of 2018

Arising Out of PS.Case No. -75 Year- 2018 Thana -DHARHARA District- MUNGER

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1. Vikram Kumar, Son of Kunkun Mahto @ Kunkun Kumar Mahto @ Kunkun Kumar.
 2. Pappu Mahto, Son of Kunkun Mahto @ Kunkun Kumar Mahto @ Kunkun Kumar.
 3. Kunkun Mahto @ Kunkun Kumar @ Kunkun Kumar Mahto, S/o late Jangali Mahto. All Resident of Village- Shivrinar, P.S. Kasim Bazar, District- Munger.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Ram Sevak Choudhary, Advocate.

For the Opposite Party : Mr. Awadhesh Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-09-2018 Heard learned counsel for the petitioners and learned A.P.P. for the State.

The petitioners are languishing in custody since 18.04.2018, 16.04.2018 and 06.05.2018 respectively in a case for the offence registered under Sections 366(A)/34 and 504 of the IPC.

The prosecution story, in brief, is that on 08.04.2018 at about 6-7 P.M., her minor daughter, Manita Kumari aged about 13 years, went to Hemjapur Chowk for purchasing medicine and till date not returned. After search, she came to know that



petitioner no. 2 Pappu Mahto after misguiding, taken her to his house. When she alongwith her son-in-law and others on 11.04.2018 went to the house of Pappu Mahto for enquiry whereabouts her daughter then all petitioners abused and ousted from there.

It has been submitted by learned counsel for the petitioners that the petitioners have got no criminal antecedent. Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioners. The petitioner nos. 1 and 3 have been made accused in the present case due to mistake of fact. The victim girl has been examined under Section 164 Cr. P.C. where she has not named the petitioner nos. 1 and 3. Though the petitioner no. 2 has been named but there is no allegation of physical or sexual abuse alleged against him.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R. There is specific allegation of the victim under Section 164 Cr. P.C. against petitioner no. 2.

Considering the aforesaid facts and circumstances, let the petitioner nos. 1 and 3, Vikram Kumar and Kunkun Mahto @ Kunkun Kumar @ Kunkun Kr. Mahto, above named, be released



on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Munger, in connection with Dharhara P.S. Case No. 75 of 2018.

As far as petitioner no. 2 Pappu Mahto is concerned, his prayer for bail is rejected ‘at this stage’ in connection with Dharhara P.S. Case No. 75 of 2018, pending in the court of learned A.C.J.M.-1st, Munger.

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(Sudhir Singh, J)

